



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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3rd Session – 11th Parliament (Rep.) – Volume 16 – Number 20

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## OFFICIAL REPORT (HANSARD)

THE HONOURABLE BRIDGID ANNISSETTE-GEORGE  
SPEAKER

THE HONOURABLE ESMOND FORDE  
DEPUTY SPEAKER

**Friday 12th January, 2018**

**CLERK OF THE HOUSE: JACQUI SAMPSON-MEIGUEL**

**EDITOR: LILA RODRIGUEZ-ROBERTS**  
Telephone: 623-4494

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*Leave of Absence**Friday, January 12, 2018***HOUSE OF REPRESENTATIVES***Friday, January 12, 2018*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, Dr. Lackram P. Bodoë, MP, Member for Fyzabad, has requested leave of absence from sittings of the House during the period January 06-18, 2018. Dr. Surujrattan Rambachan, MP, Member for Tabaquite; Mrs. Vidia Gayadeen-Gopeesingh, MP, Member for Oropouche West; Mr. Rushton Paray, MP, Member for Mayaro; Mr. Rudranath Indarsingh, MP, Member for Couva South; Mr. Ganga Singh, MP, Member for Chaguanas West; Mr. Prakash Ramadhar, MP, Member for St. Augustine; Mrs. Glenda Jennings-Smith, MP, Member for Toco/Sangre Grande; and Mr. Barry Padarath, MP, Member for Princes Town, have requested leave of absence from today's sitting of the House. And Mr. Maxie Cuffie, MP, Member for La Horquetta/Talparo, has requested leave of absence from sittings of the House during the month of January 2018. The leave which the Members seek is granted.

**TRIBUTES****(PROFESSOR GEORGE MAXWELL RICHARDS, TC, CMTT, PHD)**

**Madam Speaker:** Hon. Members, as you may be aware, one of our prominent sons of the soil, Professor George Maxwell Richards, TC, CMTT, PhD, former President of the Republic of Trinidad and Tobago, passed away on Monday, January 08, 2018. As we mourn his passing, we also honour the rich legacy he has left behind. I now invite hon. Members to pay their respective tributes to Professor George Maxwell Richards.

**The Prime Minister (Hon. Dr. Keith Rowley):** [*Desk thumping*] Madam Speaker, as a nation we come face to face with these realities, and I dare say, our own mortality where we acknowledge the passing of one of our distinguished citizens. Distinguished, not because he lived a life for himself, but because he has been such a contributor to the building of this nation.

Madam Speaker, in our population of 1.3 million people at this time, we can point to very many people who have made sterling contributions to who we are, what we are, and what we will become, but there are few of our citizens who can better demonstrate that kind of individual more so than Professor George

*Tribute (Prof. George Richards)*  
[HON. DR. K. ROWLEY]

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Maxwell Richards. It is indeed for me, Madam Speaker, a very personal event since I have known in my younger life, Professor Richards, at the university where I worked and he was my boss for many years and, in fact, he has been a person who encouraged the best out of Trinidad and Tobago. And there are many citizens who can count their own progress as having been influenced by the very nature of the man whose passing today we acknowledge.

Professor Richards, started out as I might say a normal citizen, reaching out for the opportunities in this land and grabbing them with both hands. Educating himself to the highest level and holding responsibility at the management level, at the teacher level and eventually he got to the top of the university at St. Augustine and within the university structure of UWI, being responsible for generations of our young people and ensuring that they become the best that they could be.

Madam Speaker, he was not content to just be that, he also wanted to be the normal citizen supporting all other aspects of life in this country, from the well-known, local good time party, to the search for scientific knowledge and scientific input into our well-being.

Professor Richards was such a normal man that he is better known as “Max”, a term of endearment that encapsulates how people saw him, even though he was Professor, he was President. He offered himself into public life and was accepted and eventually, Madam Speaker, he was selected, much to the benefit of the national community, as our President of this Republic, and served two terms trying to guide us along the pathway so that we can realize the potential that is held out to us as a people.

As President, there were many occasions that he too did have his dark days. But such is life that even as President of the Republic you cannot expect that every day you will please everyone. But, Professor Richards gave us on many occasions words of wisdom and words of encouragement which, if visited at this time, will provide us with the hope and the encouragement that this country needs. In being what he had become, and what he will be known for in our history, we have to acknowledge the role played by his family because he was also a family man. And today we want to acknowledge the role played by his family in supporting him along the way from the oilfields to the university to the President’s House, for supporting him and allowing him to serve this nation for decades.

As we look forward to what the future holds for our young people, some of whom are in this hall today from my constituency, we want to think and hope that there are still in our community people like Professor George Maxwell Richards,



*Tribute (Prof. George Richards)*

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who can do for them what he did for people like me and my colleagues in this Chamber. Trinidad and Tobago has lost not just a son of the soil, but a stalwart, highly respected across the board and as we mourn his passing, we thank God that he was a citizen of Trinidad and Tobago. May he rest in peace. [*Desk thumping*]

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): [*Desk thumping*] Thank you very much, Madam Speaker, as we welcome this opportunity to reflect on the life of, and to honour a patriot and a statesman, former President Professor George Maxwell Richards. I endorse indeed the statements made by my honourable colleague, the hon. Prime Minister and I was reminded while the Prime Minister was speaking that I should say, one thing with former President George Maxwell Richards is that he lived life to the max in every sense of the word.

And he served our country, this country with distinction for two terms, 2003 to 2013. During that time he made a tremendous impact on our country and indeed on many young persons of Trinidad and Tobago. He was outspoken, he did not shy away from making his views known about issues of national interest. But what he is probably most remembered for, is his love for life, our culture, our music and the people of this country.

Indeed, I listened to his spouse, Dr. Jean Ramjohn-Richards, and her description, I think, is totally apt as we mourn him, as we pay tribute to him when she said that the most impressive thing about him was his *joie de vivre* and that again, living life to the max. His exuberance for our country's Carnival endeared him to many and we can all recall his very vibrant and jovial nature as he participated with friends and family in the greatest show on earth each year.

Madam Speaker, it would be remiss of me not to mention that this love birthed what we knew as "Max Richards and Friends", a very popular carnival fete which still exists today, perhaps under another name. Professor Richards spent much of his life in service to others as well, through his hard work with various charities and he was held in high esteem by all who knew him and of him.

Indeed a great family man, he clearly took pride and satisfaction in his role as husband and father. He was clearly devoted to his family and committed to his children—and I do remember in many of our meetings and consultations during the course of our official duties that he would speak most lovingly of his spouse, Dr. Jean, and of his children, Mark and Maxine. So to former First Lady, Dr. Jean Ramjohn-Richards, on behalf of the Opposition and on my own behalf, I wish to say that our thoughts and prayers are with you and your family at this time. We

*Tribute (Prof. George Richards)*  
[MRS. PERSAD-BISSESSAR SC]

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hope that you will find some comfort in the knowledge that your late husband was so well loved throughout Trinidad and Tobago. To his children Mark and Maxine, we send our heartfelt condolences.

The life of former President George Maxwell Richards, at 86 years old at the time of his passing, really is a remarkable list of personal achievements as well as those in public service. From 1950 to 1951 he worked for the United British Oilfields of Trinidad, the precursor company to Shell Trinidad Limited at Point Fortin. He received a scholarship from that company to study chemical engineering. He attended the University of Manchester, where he undertook a Bachelor of Engineering degree and a Master of Engineering degree and subsequently obtained a PhD in Chemical Engineering from the University of Cambridge. So in his academic work, he excelled.

When he returned home, he worked for Shell from '57 to '65 before joining the Department of Chemical Engineering at UWI, where he served as Senior Lecturer, Head of Department, the Dean of the Faculty of Engineering. He later became Deputy Principal, Acting Principal, Pro-Vice Chancellor and Principal in 1985.

Professor Richards has been hailed as one of the pioneers who built the Department of Chemical Engineering, establishing strong links with the Institution of Chemical Engineers and ensuring that the department's programmes were internationally accredited. He retired as Principal in 1996, but he continued to lecture at the university.

He was most instrumental in developing the UWI's biggest annual fundraising event, and which I understand he planned to attend this weekend—the UWI fete. The funds that have been raised over the years from this event for UWI Development and Endowment Fund have helped thousands of students over the years with funding for their studies at the institution.

He also served on the board of several companies including Trintoc, now Petrotrin, National Gas and the Trinidad Publishing Company and of course for a decade he served as the fourth President of the Republic of Trinidad and Tobago, serving two consecutive terms. Today, Madam, we honour this exemplary man who served our country with pride and dignity, who has left a distinctive legacy to be emulated.

I have always admired Professor Richards for his dedication to the development of young people through his work at the university and we share the belief that it is through education that people have a greater chance at improving their lives and lifting themselves out of poverty.

In 1988, a year filled with adversity in Trinidad and Tobago; the government had slashed the university's funding by 20 per cent and instituted taxes to students which saw increases in tuition expenses. Professor Richards, then Principal of the university, ensured that the students were well taken care of; he helped to weather that storm.

**1.45 p.m.**

For myself on a personal level, my first interaction with the former President was in 1986 at my graduation from the Hugh Wooding Law School. At that function I was a valedictorian in the ceremony. Professor Richards, who was in the audience and listened to my speech, came up to me at the end of it, of course, congratulated me, but, more important, he told me that I would go far and achieve much in my lifetime. I was moved and inspired by this gesture, this being the first time that I had met him, and it was one of the many inspiring moments that defined my life and motivated me to work towards achieving my goals. And I am certain that many people over the years can relate a similar story and describe the positive impact Professor Richards had on their development path.

As President, Professor Richards presided over many firsts, including my appointment as the country's first female Opposition Leader, and thereafter as the first female Prime Minister. I first dealt with the President in the political arena in 2006, a contentious time for our party then. As a result of issues surrounding the then Leader of the Opposition, on the 25<sup>th</sup> of April, 2006, President Richards declared that post vacant, and then thereafter I received the support of the Opposition MPs, President Richards gave me my instrument for the first time as Opposition Leader on April 26<sup>th</sup>, 2006. Thereafter, on February 24, 2010, at President's House, again I had interaction with President Richards when he handed me my instrument again as Opposition Leader.

On 26<sup>th</sup> of May, following the victory at the polls, President Richards, again, signed my Instrument of Appointment when I was sworn in as Prime Minister of Trinidad and Tobago. For the remainder of his term as Head of State, until 2013, I worked with President Richards as Prime Minister within the constitutional remits and we maintained regular communication, always mindful of the important constitutional role and functions of the President in ensuring good governance and protecting our democracy. On a personal level, I valued his candour, as well as his very sage advice during this period.

Recently, I was reminded that the former President was a strong advocate for increased participation by women in leadership roles. In an interview in 2008 he

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indicated that he would support a woman President. He said at that time, and I quote:

“The genetic make-up of women makes them better politicians; they tend to be less confrontational, more inclined to look for solutions.”

As we are just days away from election of our nation’s sixth President, and it is interesting, it was the very day that we signed the nomination form, co-signed the nomination form, is that day that the President passed away, but given the sentiments just days away from election of our sixth President, I think he would have been pleased to see the election of a woman to this country’s highest office, that of the President.

Professor Richards’ passing is indeed a great loss for our country, but I am sure he will stand as an inspiration to young people and to future generations. Let us remember him, and let us honour his legacy of excellence and service to his country. May his soul rest in eternal peace. I thank you, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I join with Members to pay tribute to Professor George Maxwell Richards, TC, CMTT, PhD, and former President of our Republic. As an outstanding statesman and patron of the arts, Professor Richards served Trinidad and Tobago with distinction for over 60 years in various capacities in the fields of energy, oil and gas, and academia. He rose through the ranks of the University of the West Indies pioneering the development of the Department of Chemical Engineering, with a focus on process industries, and provided his expertise to several companies and institutions. He later served as Pro-Vice-Chancellor and Principal of the university.

In his role as Head of State, Professor Richards provided sound advice in his speeches made at the ceremonial openings of Parliament, advice which is as relevant today as when delivered. He reminded us of the importance of innovation, productivity and competitiveness, as well as the need for effective cooperation, and of the interdependence of the Benches of, and the various interests represented in the Parliament. Hon. Members, today we remember Professor Richards not only as our fourth President of the Republic of Trinidad and Tobago but as a father, husband, brother, colleague, friend, mentor and servant of our twin island republic.

From the tributes paid in this Chamber, and in other arenas, Professor Richards has left a legacy of service to this nation, and one of humility. In borrowing the words of a certain Evangelist, that, and I quote:

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The measure of a man is not in the number of servants he has, but the number of people he serves.

It may be reasonable to conclude that the description of being a colossal man may well be befitting of Professor Richards. I take this opportunity to express my deepest condolences to the Richards' family during this time of mourning, and I pray that the Almighty God grants them the comfort and strength needed in this time of bereavement. I now invite Members to stand and observe a moment of silence as a mark of respect.

*The House of Representatives stood.*

**Madam Speaker:** May his soul rest in peace. Hon. Members, I have directed the Clerk of the House to convey our condolences in writing to the wife and family of the late Professor George Maxwell Richards.

#### PAPERS LAID

1. Audited Financial Statements of the Educational Facilities Company Limited for the financial year ended September 30, 2014. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Audited Financial Statements of the National Quarries Company Limited for the year ended September 30, 2010. [*Hon. C. Imbert*]
3. Audited Financial Statements of the National Quarries Company Limited for the year ended September 30, 2011. [*Hon. C. Imbert*]
4. Audited Financial Statements of the Trinidad and Tobago Tourism Business Development Limited for the year ended December 31, 2016. [*Hon. C. Imbert*]

*Papers 1 to 4 to be referred to the Public Accounts (Enterprises) Committee.*

5. Annual Report of the Financial Intelligence Unit of Trinidad and Tobago for the year ended September 30, 2017. [*Hon. C. Imbert*]
6. Report of the Central Bank of Trinidad and Tobago on Insurance and Pensions for the year ended December 31, 2015. [*Hon. C. Imbert*]
7. Ministerial Response of the Ministry of National Security to the Fifth Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Examination of the Human Rights of Remandees at Remand Prisons. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

8. Ministerial Response of the Ministry of Sport and Youth Affairs to the Second Report of the Public Accounts (Enterprises) Committee on an Examination of the Report of the Auditor General of the Republic of Trinidad and Tobago on a Special Audit of the Operations of the the Sports Company of Trinidad and Tobago with particular reference to the development and upgrading of Sporting Facilities in Trinidad. [*Hon. C. Robinson-Regis*]
9. Ministerial Response of the Ministry of Housing and Urban Development to the Fifth Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Housing and Urban Development with specific reference to Accountability and Transparency, Inventory Control, Internal Audit, Sub-Head 02 - Goods and Services, Sub-Head 03 - Minor Equipment Purchases, Sub-Head 09 - Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Hon. C. Robinson-Regis*]
10. Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment to the First Schedule) (No. 6) Order, 2017. [*The Minister of Housing and Urban Development (Hon. Randall Mitchell)*]
11. Annual Report of the Legal Aid and Advisory Authority for the year 2012/2013. [*The Attorney General (Hon. Faris Al-Rawi)*]
12. Administrative Report of the National Library and Information System Authority for the fiscal year 2015 to 2016. [*Hon. C. Robinson-Regis*]
13. Additional Information relating to the Administrative Report of the former Ministry of Arts and Multiculturalism for the period 2014/2015. [*The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly)*]
14. Petroleum (Amendment) Regulations, 2017. [*Hon. C. Robinson-Regis*]

#### **JOINT SELECT COMMITTEE REPORTS**

##### **(Presentation)**

#### **Public Administration and Appropriations Committee**

**The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):** Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following reports:

### **Ministry of Sport and Youth Affairs**

Seventh Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Sport and Youth Affairs with specific reference to Follow-up to the First Report of the Public Administration and Appropriations Committee and Current Expenditure Related to Official Travel to Tobago.

### **Ministry of Education**

Eighth Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Education with specific reference to Inventory Control, Internal Audit, Sub-Head 02 - Goods and Services, Sub-Head 03 - Minor Equipment Purchases, Sub-Head 04 - Current Transfers and Subsidies, Sub-Head 09 - Development Programme - Consolidated Fund and Infrastructure Development Fund.

### **URGENT QUESTIONS**

#### **Trinidad and Tobago Police Service (Fake Oil)**

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. To the Minister of Energy and Energy Industries, can the Minister indicate whether or not the “fake oil” scandal which resulted in two completed investigative reports has been referred to the Trinidad and Tobago Police Service?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)**: Thank you very much, Madam Speaker. Madam Speaker, as is now public knowledge, this whole issue of the oil discrepancies at Petrotrin came to the fore coming out of a Petrotrin’s internal audit report. Subsequent to that, the board of Petrotrin commissioned two international experts to further investigate this matter. One was by the Kroll Company which dealt particularly with the measurement system, and, secondly, Gaffney Cline and Associates that dealt with reservoir and petroleum engineering matters. With specific reference to the question, the matter referred to in this question has not been referred to the Trinidad and Tobago Police Service, however, I have been informed by the board of Petrotrin that this said matter was referred in November of 2017 to the DPP for advice.

**Madam Speaker:** Member for Oropouche East, supplemental.

**Dr. Moonilal:** Thank you very much, Minister. Could the Minister state to his knowledge what attempts have been made to follow the real money syphoned out through the scheme and returned to the people of Trinidad and Tobago?

**Madam Speaker:** Minister of Energy and Energy Industries.

**Sen. The Hon. F. Khan:** The Minister of Energy and Energy Industries nor the board of Petrotrin has no such authority to follow the money. We did what the board felt was proper to refer the matter to the DPP for advice.

**Madam Speaker:** Supplemental, Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Could the Minister indicate whether or not an alleged key player in this, Mr. Vidya Deokiesingh, is still employed at Petrotrin?

**Sen. The Hon. F. Khan:** The answer to that is in the affirmative because he is under investigation at Petrotrin and Petrotrin has very robust and well written procedure as to how these investigations take place, and that process is ongoing.

### **Restraining Orders (Plans for Better Enforcement of)**

**Mr. Rodney Charles (*Naparima*):** Thank you, Madam Speaker. Given the recent attempted murder/suicide, among others, of Drupatee Sankar by her ex-husband, what plans are in place to ensure that restraining orders are better enforced to more effectively protect vulnerable women of our country?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Madam Speaker, the Commissioner of Police has advised that the domestic violence investigative and procedural manual was developed for police officers by a committee appointed by the then Attorney General in 2003. This manual is continually updated. The manual guides police officers in the approach to be taken in dealing with domestic violence and enforcement of protection orders. The Trinidad and Tobago Police Service continues to train its officers in the implementation of the procedures outlined in the manual. Training takes place at the divisional level and at the Trinidad and Tobago Police Academy. The organization will continue to train officers and monitor the enforcement of the said procedures in handling domestic violence cases which include dealing with protection order.

Madam Speaker, there is also a role for the community, and also for priests, counsellors, and those who interact with those victims to ensure that information that they may gather in their procedure comes to the police's attention as quickly as possible so the necessary action can be taken, Madam Speaker.



**Protest Action by Residents  
(Repairs to Sixth Company Road)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the Minister of Works and Transport, based on recent reports which stated that the Ministry was scheduled to begin road works on the Sixth Company Road in New Grant village after residents had undertaken protest action for the second time in one week to highlight its deplorable condition, can the Minister state if it is the policy of the Ministry to only undertake repairs to roads which are in dire need of attention after protest action has been taken by citizens?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)**: Thank you, Madam Speaker. Madam Speaker, I wish to inform this honourable House that the Ministry of Works and Transport has a process for the addressing of urgent road repairs which does not include protest action. Madam Speaker, the Ministry understands the plight of the citizens when hardship of this nature occurs, however, it at times results in badly needed resources having to be utilized to clean up the affected areas prior to work being able to start. I also wish to add, Madam Speaker, that the Ministry of Works and Transport does not encourage or start protests in any area in Trinidad and Tobago. Thank you.

**Restructuring of Petrotrin  
(Details of)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. Based on recent reports which stated that the Oilfield Workers Trade Union (OWTU) has warned Government against retrenchment of workers in its planned restructuring of Petrotrin, can the Minister state if there would be any job losses at Petrotrin as a result of its restructuring plans at the state-owned oil company?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)**: Thank you, Madam Speaker. Madam Speaker, on June 01, 2017, the now famous Lashley Report was submitted to the Government of Trinidad and Tobago. This report recommended, *inter alia*, that Petrotrin be restructured into three business units, Trinmar, exploration and production, land, and refining and marketing. Subsequent to this, on the 4<sup>th</sup> of September, 2017, a new board was appointed under the chairmanship of Mr. Wilfred Espinet. They have been doing extensive and thorough investigations of the issues that face Petrotrin which involve, *inter alia*, the restructuring of Petrotrin, and let me just add that Petrotrin's issues are not only related to the restructuring exercise. This process is ongoing and extensive consultations will have to be held with all stakeholders,

and in particular, I must say, the Oilfield Workers' Trade Union. No final position of the nature of the restructuring has been taken at this time. In that context, it is premature to state whether the restructuring which will come would involve any reduction in the workforce.

**Madam Speaker:** Supplemental, Member for Pointe-a-Pierre.

**Mr. Lee:** Thank you, Madam Speaker. Could the Minister state when he feels that restructuring will take place?

**Sen. The Hon. F. Khan:** Well, based on the challenges Petrotrin faces, we should say in the shortest order, but the shortest order has processes to follow, and what we want to do is make sure that we lay out what the options are, especially to the stakeholders, so when we take the decisions that we would have to take it will have the buy-in of all the stakeholders.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Thank you, Madam Speaker. Will the Minister tell us whether the report that has been submitted to the board, and is being reviewed by the Ministry, whether it recommends retrenchment?

**Sen. The Hon. F. Khan:** I do not know of which report you speak outside of the Lashley Report.

**Mr. Charles:** Yes, I am speaking about the Lashley Report.

**Madam Speaker:** Your question has been answered.

#### **New Passenger Ferry (Details of)**

**Mr. David Lee (Pointe-a-Pierre):** Thank you, Madam Speaker. To the Minister of Finance, based on recent reports to the effect that the Government has recently purchased a new passenger ferry which is expected to arrive in Trinidad and Tobago in two months to service the sea-bridge, can the Minister provide this House with information relating to the final cost of the ferry, its age and its passenger and cargo capacity?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. Madam Speaker, the purchase price of the vessel in question is US \$17.4 million. The vessel is brand new, it has never been used. It can accommodate 700 passengers and 100 vehicles. It is not a cargo vessel as the question implies, it is a passenger/vehicle ferry. By way of example, in 2006 the Government purchased

the *Trinidad and Tobago Express* vessel at a cost of US \$20 million; the vessel at the time was 10 years old. And one year later, in 2007, the Government purchased the *T&T Spirit* vessel for the price of US \$60 million; at the time the vessel was three years old. I wish to repeat the cost of this vessel, US \$17.4 million. It is brand new. It has never been used. It can accommodate 700 passengers and 100 vehicles. [*Desk thumping*]

**Madam Speaker:** Supplemental, Member for Pointe-a-Pierre.

**Mr. Lee:** Madam Speaker, supplemental to the Minister of Finance, I know he said it is brand new but could he state the age of the vessel, when it was built?

**Hon. C. Imbert:** Madam Speaker, I could answer that. The vessel is currently in the snagging phase, which is a phase at the end of the construction of a newly built vessel, and the snagging phase for a vessel is similar to the snagging phase for any bit of plant and machinery, or a building for that matter where minor matters are sorted out, but the vessel—construction has been completed but it has not been put into service. It has never been used by anyone, and therefore it is brand new, age zero. [*Desk thumping*]

**Madam Speaker:** Supplemental question, Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Bearing in mind the answer given a few moments ago, could the Minister indicate, given that this is brand new, not hit water yet, could the Minister indicate what was the procurement process used by the Government to secure this vessel which is still in the construction phase?

**Hon. C. Imbert:** Madam Speaker, let me correct some of the misinformation put into the record by the Member for Oropouche East, I never said it did not hit the water. The vessel has been subjected to extensive sea trials in the water, and that is what has happened over the last month. The vessel was identified by way of a world-wide search using international experts, and the vessel has been procured by the National Infrastructure Development Company.

#### ANSWERS TO QUESTIONS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, there are 11 questions for oral answer, we will be answering 10 of these questions, and we are asking for Question No. 58 to be deferred. Madam Speaker, with regard to the Written Questions, we are asking for all of these questions, the answers to all of these questions to be deferred. Thank you very kindly, Madam Speaker.

**Mr. Lee:** Madam Speaker, with respect to the Written Questions, all these questions, which are six questions, were due since the 9<sup>th</sup> of December. It was due on that time and now the Leader of Government Business, we are now the 12<sup>th</sup> of January, and I do not know how long is it being deferred for.

**Madam Speaker:** So is it that you are saying that you no longer want them answered?

**Mr. Lee:** Yes, we want it answered, how long?

#### ORAL ANSWERS TO QUESTIONS

*The following question stood on the Order Paper in the name of Mr. Rodney Charles (Naparima):*

#### **Outstanding Payments to Former Diplomats (Details of)**

**58.** Could the hon. Minister of Foreign and CARICOM Affairs provide the expected date for outstanding payment of terminal benefits to former diplomats who demitted office after September 2015?

*Question, by leave, deferred.*

#### **Princes Town Presbyterian 1 Primary School (Commencement of Construction)**

**52. Mr. David Lee (Pointe-a-Pierre)** on behalf of Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Education:

Could the Minister state whether construction of Princes Town Presbyterian 1 Primary School will commence in this financial year?

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam Speaker. The reconstruction of the Princes Town Presbyterian 1 Primary School is not programmed for the current fiscal year. However, the Ministry of Education will request an allocation for this project in the Estimates of Expenditure for fiscal year 2018/2019. Thank you.

#### **National Commission for Self-Help Limited (Number of Grants Disbursed)**

**53. Mr. David Lee (Pointe-a-Pierre)** on behalf of Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Education:

Could the Minister indicate the number of grants from the National Commission for Self-Help Limited that were disbursed to flood-affected citizens during the months of September, October and November 2017?

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. The National Commission for Self-Help has indicated receipt of no application for grants by flood-affected citizens during September to November 2017.

**Completion of Forensic Audit  
(Pan Trinbago)**

**54. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Community Development, Culture and the Arts:

Could the Minister indicate whether the forensic audit into Pan Trinbago has been completed?

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. The audit commissioned by the Ministry of Community Development, Culture and the Arts into Pan Trinbago has been completed.

**Madam Speaker:** Supplemental question.

**Mr. Lee:** To the Minister, supplemental, what is the next step with that forensic report, Madam Minister?

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Madam Speaker. The report is being considered by the Ministry and by the relevant other Ministries that have to consider it at this time.

**Madam Speaker:** Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you, just to ask if that report will be made public at all, please.

**Madam Speaker:** Minister of Community Development, Culture and the Arts.

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Madam Speaker. After consideration of the report, if there is any portion of it that should be made public, it would be done so.

**T&T Citizens Held at Iraqi Detention Camp  
(Investigation of Reports)**

**56. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister state whether the Ministry has sought to investigate reports that citizens of Trinidad and Tobago are currently being held at an Iraqi detention camp?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam Speaker. Madam Speaker, the Ministry of National Security is in the process of investigating reports that citizens of Trinidad and Tobago are currently being held at an Iraqi detention camp.

**Madam Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Madam Speaker, in view of the fact that the Iraqi Government has said that they are interested in repatriating these citizens, and there are citizens of Trinidad and Tobago in Iraqi camps, have you at all sought to interact and to repatriate our citizens?

**Madam Speaker:** Minister of National Security.

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, the Government of Trinidad and Tobago through diplomatic channels and other agencies are investigating Trinidad and Tobago citizens in an Iraqi detention centre right now.

**Madam Speaker:** Supplemental, Member for Naparima.

**Mr. Charles:** Minister, tell us how many citizens of Trinidad and Tobago are detained, if they are detained, and what is the status? Have we interacted or have they said no?

**Madam Speaker:** Minister of National Security.

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, I will say again, the Government of Trinidad and Tobago through diplomatic channels and other channels are investigating to confirm whether there are Trinidad and Tobago citizens in a detention camp in Iraq.

**2.15 p.m.**

**Crimes Against Elderly and Women  
(Non-lethal Forms of Defence)**

**57. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Given the number of crimes against the elderly and women, could the Minister state:

- a) whether non-lethal forms of defence such as stun guns are being considered;
- b) if the answer to (a) is in the affirmative, whether legislation is expected to implement non-lethal forms of defence; and
- c) if the answer to (a) is in the negative, state the reasons non-lethal forms of defence are not being considered?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Madam Speaker, at present consideration is only being given, according to the Commissioner of Police, by the police officers in the execution of their duties, of non-lethal weapons, devices such as stun guns, in keeping with the current use of force policy of the Trinidad and Tobago Police Service. It should be noted that there is currently no legislative framework for the use of non-lethal forms of weapons, devices by civilians in Trinidad and Tobago. Accordingly, if there is a policy change in the future, amendments would have to be made to the Prevention of Crimes Offensive Weapons Act, Chap. 11:09 and the Firearms Act, Chap.16:01 to allow this to happen.

#### **Smuggling of Illegal Migrants (Monitoring and Prevention of)**

**61. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of National Security:

Is the Minister aware of the presence of illegal migrants in Trinidad and Tobago and if so, what actions have been taken to monitor and prevent the illegal smuggling of migrants to Trinidad and Tobago?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam Speaker. The Government of Trinidad and Tobago is aware of the presence of illegal migrants in Trinidad and Tobago. Based on the Ministry's record, a total of 409,123 nationals of other countries arrived in the country legally during the period January 01 to November 30, 2017. Of this total, 14,178 non-nationals overstayed their time and had not yet departed as at November 30, 2017.

Information received from the Counter Trafficking Unit indicates that for the period January 01 to December 31, 2017, a total of four persons were reported as smuggled into Trinidad and Tobago from Venezuela. These victims include two adults and two minors. Additionally, there were no reports of smuggled persons

by the Counter Trafficking Unit for the period 2014 to 2016. The Counter Trafficking Unit was set up and became functional in 2013. Information also received from the CTU indicates that three Colombian females were reported to have been smuggled into Trinidad and Tobago in that same year. It should be noted that the Trinidad and Tobago Government has instituted a number of measures in collaboration with other arms of national security and other relevant Government agencies, to treat with legal migrants. Such measures are aimed at strengthening its border management and control capacity to safeguard the country against the entry of illegal persons. The key agencies under the Ministry of National Security with responsibility for border management are the Immigration Division and the Trinidad and Tobago Defence Force, in particular the Trinidad and Tobago Coast Guard.

The Immigration Division continues to promote national security by effectively monitoring and controlling the movement of persons into, within and out of the country. To this end, the division pursues a border policy that focuses on the entry into and exit from Trinidad and Tobago of travellers who meet entry requirements, as well as identification and management of the risk to Trinidad and Tobago arising from those travellers who do not meet entry requirements.

The Trinidad and Tobago Coast Guard also plays a significant role in safeguarding our borders against illegal migrants. Additionally, the utilization of the National Coastal Surveillance Radar Centre has provided the Trinidad and Tobago Coast Guard with the capacity to continuously monitor Trinidad and Tobago's territorial waters, as well as the ability to identify vessels of interest for interception.

It is also instructive to note, Madam Speaker, that other mechanisms are being used by the Ministry of National Security to treat with illegal immigrants who may or may not be smuggled into the country as victims of human trafficking. Bilingual signage has been developed and is evident at the Piarco International Airport and other ports of entry. Public service announcements have been developed and are already being promoted on social media. Lastly, there are plans to develop and launch a border campaign to target migrants at legal and illegal ports of entry.

Further to these measures identified above, the Trinidad and Tobago Government also initiated the following measures: a memorandum of intent between Trinidad and Tobago and the United States signed in April 2017, to provide for the establishment of a personal identification secure comparison evaluation system, which would be used together with our border management



system to identify travellers coming into and leaving Trinidad and Tobago. There is also ongoing Trinidad and Tobago Defence Force joint operations along the south coast from Guayaguayare to Icacos; maritime patrols by the Trinidad and Tobago Coast Guard; mobile patrols by the Trinidad and Tobago Regiment together with the Trinidad and Tobago Police Service in our rural areas; continuous patrolling in our maritime domain and aerial domain by the Trinidad and Tobago Coast Guard and the Air Guard respectively. There is also joint mobile patrol by the Trinidad and Tobago Police Service in areas such as Matura, Matelot, Manzanilla, Guayaguayare, Blanchisseuse and a number of the coastal areas, to prevent/act as a deterrent to those who enter our country illegally.

**Madam Speaker:** Supplemental question from the Member for Chaguanas East.

**Mr. Karim:** Madam Speaker, will the hon. Minister indicate the countries of origin for the number of persons you quoted as being illegal immigrants for the period?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, there are several countries of origin. I do not have that information, but it can be provided.

**Madam Speaker:** Supplemental, Member for Chaguanas East.

**Mr. Karim:** Thank you, Madam Speaker. Will the Minister indicate to us, of all those strategies that you are going to be using to have surveillance over the various areas of entry, do you have the adequate manpower and technical resources to so do?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, there is always room for improvement, and we continue to adjust and improve as we go along.

**Mr. Charles:** Thank you, Madam Speaker. Given the pervasiveness in our communities and our streets of people who are speaking Spanish and not English, is the Minister satisfied with the monitoring mechanisms to detect and repatriate illegal immigrants?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, the Trinidad and Tobago Government, through the Ministry of National Security, in particular the Immigration Division, continue to be vigilant and look at individuals who come to this country legally and who have overstayed their time, and continue to make such arrests. There are a number of people who in fact are at the Immigration Detention Centre who have broken the law in those respects. So we continue to be vigilant and we continue to treat with them as and when actions are taken, Madam Speaker.

**Secondary School Bullying  
(Curtailing of)**

**62. Mr. David Lee** (*Pointe-a-Pierre*) on behalf Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Education:

Could the Minister indicate the actions initiated by his Ministry to curtail secondary school bullying?

**The Minister of Education (Hon. Anthony Garcia):** Thank you, Madam Speaker. The Ministry of Education has developed a national strategy for addressing student indiscipline in schools, and this initiative incorporates actions to address the issue of bullying in schools.

The national strategy uses a data driven approach to ensure relevance, and involves the establishment of discipline committees at schools, education districts and at head office, together with the development of appropriate school discipline plans. Implementation of the School Discipline Plan engages interdivisional committees operating at the levels of head office, education districts and schools.

The School Discipline Committee is responsible for the development of an evidence-based school discipline plan, specific to the needs of the particular school. The approach incorporates the following: targeted interventions by the Student Support Services Division at the individual group and whole school levels; enhanced supervision of students during teaching and non-teaching times, including identifying and monitoring hotspots at schools; implementation of a modified curriculum that ensures that all students are meaningfully engaged in activities that foster their holistic development both in and out of the classroom; the establishment of co- and extra-curricular activities that cater to the interests of all students, and to incorporate such into the class timetable and after school activities; creation of parent stakeholder school ownership by building relationships and embracing activities from other Ministries and NGOs, for example, police youth clubs and anti-bullying programmes; promotion of student involvement in leadership roles, for example, student councils and/or prefect systems; students must also accept their responsibility in creating the desired school culture; establishment of school committees that require staff and student membership, so that all can experience an increased sense of belonging and/or ownership of the school; development of a discipline matrix, outlining a progressive approach for treating with acts of indiscipline based on levels of severity, and the development of a positive reinforcement procedure which focuses on rewarding desired behaviour displayed by students, and serves to promote the recurrence of the same. This involves a tangible and intangible reward system.

Thank you.

**Madam Speaker:** Supplemental question, Member for Chaguanas East.

**Mr. Karim:** Can the Minister indicate to us how many secondary schools are currently without an effective discipline committee?

**Hon. A. Garcia:** Madam Speaker, the information that is available to me would indicate that all secondary schools are in possession of this discipline matrix and this discipline plan. Thank you.

**Mr. Lee:** Supplemental, Madam Speaker, through you to the Minister of Education. He mentioned in his dissertation, the monitoring of hotspots at schools. Could he explain what he means by that?

**Hon. A. Garcia:** Madam Speaker, in some areas, in some of our schools, because of breaches to the fence, for example, we designate those areas as hotspots. There are other areas that are far removed from the administrative centre of the school, we also designate those areas as hotspot areas.

Thank you.

**Mr. Karim:** Thank you very much, Madam Speaker. Can the Minister indicate how many such schools are designated as hotspots?

**Hon. A. Garcia:** Madam Speaker, that information is not readily available.

**National Insurance Board of Trinidad and Tobago  
(Measures to Increase Income)**

**64. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Finance:

Could the Minister indicate the measures which will be implemented by the National Insurance Board of Trinidad and Tobago (NIBTT) to increase its income in light of the pronouncement that NIBTT's total expenditure is projected to exceed its contribution and investment income by 2019-2020?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. The Ninth Actuarial Review Report of the national insurance system was laid in Parliament in November 2015. In July 2016, legislative amendments were assented to which allowed the National Insurance Board of Trinidad and Tobago to implement the two most important short-term recommendations of the Ninth Actuarial Review in September 2016, which were: an increase of the contribution rates from 12 per cent to 13.2 per cent and an increase in the maximum insurance earnings from \$12,000 to \$13,600.

Both recommendations were implemented with the immediate impact of increasing the revenues of the National Insurance Board. However, although these changes positively impacted the National Insurance Board in the short-term, recent macroeconomic events have, to some extent, negatively impacted the National Insurance Board and reduced these gains. Long-term reform is therefore urgently needed to ensure NIS sustainability.

The adjustments proposed by the NIB's actuaries, through the Ninth Actuarial Review include future contribution rate increases, restraint in future benefit increases, and an increase in the retirement age from age 60 to age 65. These major reforms require considerable public sensitization, public acceptance and national dialogue if they are to be successfully implemented. No decision has been taken on these matters to date. However, the National Insurance Board has taken proactive steps to initiate discussions and consultations on these critical long-term reform measures.

This is evident by the numerous stakeholder consultations, seminars, newspapers articles, radio interviews and television appearances by representatives of the National Insurance Board since October 2015. In addition to the ongoing dialogue with respect to reform, the NIB has also directed its efforts towards improving aspects of its operations with the aim of controlling costs and bolstering its revenues from contributions and investment income.

As it relates to cost, the National Insurance Board of Trinidad and Tobago has maintained one of the lowest ratios of administrative expenditure to contribution income of social insurance systems in the English-speaking Caribbean; 5.3 per cent for financial year 2016, well within the established limit of 7.5 per cent. The organization continues to review processes and technology to further reduce this ratio.

Regarding contributions, the National Insurance Board has reviewed its compliance structure to better monitor employers' obligation under the National Insurance Act to remit to the NIB the requisite contribution for the workers they employ.

To ensure optimal performance of the investment fund, the National Insurance Board continues to explore strategies which provide high risk adjusted yield, while ensuring that adequate liquidity is provided for the payment of benefits.

The National Insurance Board is considering increasing the overseas investment limit as one possible way to bolster and improve its investment fund performance.

**Illegal Immigrants in Trinidad and Tobago  
(Identifying and Repatriating of)**

**65. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister indicate whether there are systems in place for identifying and repatriating illegal immigrants who enter Trinidad and Tobago through the “back door”?

**Mr. Charles:** Thank you, Madam Speaker. Question 65 is essentially the same as question 61. It will evoke the same response and is therefore being withdrawn.

*Question withdrawn.*

**Trinidad and Tobago Postal Service  
(Stopping of Registered Mail Delivery)**

**66. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Public Utilities:

Is the Minister aware that the Trinidad and Tobago Postal Service (TTPost) has stopped delivering registered mail and is further directing customers to obtain this service through the private mailing company DHL, which is located at TTPOST centres at higher rates?

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam Speaker, on behalf of the Minister of Public Utilities, with the exception of Canada, the Trinidad and Tobago Postal Service Limited continues to provide registered mail service both locally and internationally. With respect to Canada, the Canadian postal administration had, in August 2016, indicated that it would no longer be providing tracking information for inbound registered mail coming into Canada from other countries. As a result of this decision, postal administrations in many countries worldwide, including Trinidad and Tobago, have ceased accepting registered mail for delivery to Canada.

Prior to the discontinuation of its outbound registered mail service to Canada, TTPOST had duly notified the public of its intention to discontinue this service commencing in August 2016, through notices published in the daily newspapers, that is to say, the *Express*, *Guardian* and *Newsday* and its website, and displayed at its post offices and retail outlets throughout Trinidad and Tobago that information.

Madam Speaker, TTPost does not have the infrastructure and logistical support services, that is to say, mechanisms, warehouses, people and resources, sea, air or land, required to competitively provide international courier services on its own. As such, the company has engaged in partnership arrangements with international courier firms to provide this service to its customers. The present arrangement in place with DHL commenced in November 2016 under the brand name Hummingbird Express. Prior to this, TTPost partnered with T&T Express to provide this service.

Under the present arrangement with DHL, TTPost receives and prepares mail and documents for outbound service delivery to other countries, including Canada, while DHL provides what is called the “final mile service”. That is to say, delivery from Trinidad and Tobago to the final destination abroad, using its integrated logistics services. This allows it to coordinate and provide international express delivery service from door to door to destinations worldwide. DHL provides its international courier service to TTPost at a discounted price which allows TTPost to place a mark-up on the transaction and earn income, whilst still being competitive with other service providers.

Thank you very kindly for the question.

**MISCELLANEOUS PROVISIONS (MUTUAL ASSISTANCE IN CRIMINAL MATTERS, PROCEEDS OF CRIME, FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO, CUSTOMS AND EXCHANGE CONTROL) BILL, 2017**

*Order read for resuming adjourned debate on question* [November 17, 2017]

That the Bill be now read a second time.

*Question again proposed.*

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker, for giving me the opportunity to contribute to this Bill, an Act to amend the Mutual Assistance in Criminal Matters, the Proceeds of Crime Act, the Financial Intelligence Unit of Trinidad and Tobago Act, the Customs Act and the Exchange Control Act.

Let me first of all congratulate the Attorney General for once again bringing to this House his strong legislative agenda to deal with issues pertinent to crime, criminal matters in Trinidad and Tobago.

Madam Speaker, this Bill is evidence of this Government’s commitment to this country that we shall operate in greater compliance with international standards, and one of the gains of a more robust anti-money laundering

combatting the financing of terrorism framework is an environment that will attract new and sustained levels of foreign investment in this country.

When we look at the essentials of the Bill, it speaks to treating with several matters put together in an omnibus fashion, the sole purpose, to tie together all the proposed enactments and renders the Bill very much intelligible for parliamentary procedures and for purposes, to bring together in a single Bill all the legislative amendments resulting from policy decisions to facilitate parliamentary debate.

Madam Speaker, let me put some context into the Bill before us as it treats with mutual assistance in criminal matters. Today, we live in a world of interdependence, a world in which most countries, most entities, really cannot treat with the matters that confront them in a security environment by themselves. And so the relationships between States are very important, because most of the issues and challenges are common in most of the jurisdictions from one country to the next.

As criminals evolve their techniques and *modus operandi* of wreaking havoc on populations, so too must States make the necessary concomitant changes to their administrative and legal infrastructures, if they are to effectively eliminate these elements and threats from our various societies. It is in this vein that the Government of Trinidad and Tobago is moving to amend these various pieces of legislation to treat with issues across our international security environment.

This Government at page 6 of our 2015 manifesto, which subsequently became Government policy, underscored that violent crime is out of control while white collar crime, especially money laundering, bribery, corruption and theft from the people's purse have reached epidemic levels. Page 16 of that very document also recognize the need for greater emphasis in the foreign service, for diplomacy of security and terrorism. It is not this Government's intention to allow the financial system to become the lifeblood of crime in Trinidad and Tobago. It was clear, even from the outside looking in, that the prevention of financial crimes, improvement of operational efficiency and the pursuit of criminals and their assets, had to become critical goals for this administration.

Madam Speaker, when we were subsequently installed into office, seven months had already elapsed subsequent to the Caribbean Financial Action Task Force completion of its on-site assessment of Trinidad and Tobago AML/CFT measures in accordance with the Financial Action Task Force recommendations and methodologies.

We were faced with and sobered by a grim reality, even in advance of the publication of the report, for notwithstanding the progress made over the years there remained some serious vulnerabilities which we had to address. And while my colleague the Attorney General has already provided details on Trinidad and Tobago's ratings in the 2016 CFATF report and the CFATF and FATF consequences, there is no need for me to repeat them. However, I will underscore that Trinidad and Tobago is required to work closely with FATF and CFATF to implement an action plan that targets seven of the 11 immediate outcomes, namely, international cooperation, legal persons and arrangements, money laundering investigations and prosecution, confiscation, terrorist financing, investigations and prosecutions, terrorist finances, preventative measures and financial sanctions, proliferations of weapons of mass destruction and financing.

Madam Speaker, this administration promised to re-establish the reputation for transparency as well as create a culture where decisions are made and action is taken by the Government in the best interest of our country's development. Our efforts have not been self-serving. We have therefore spoken candidly, prior to and since the publication of the mutual evaluation report, about the deficiencies of our AML/CFT framework.

After a careful analysis of the matters that hamper our progress and the recommendations to resolve all our deficiencies, a phased risk-based approach was adopted and is being implemented to allow us to take the profit out of crime, target criminal assets to protect our national financial system.

The FATF has provided a blueprint for every country to achieve compliance successfully with its international standards. As Trinidad and Tobago's point of contact with the CFATF and in close collaboration with the Attorney General and Minister of Finance, the Minister of National Security was charged with ensuring that the national AML/CFT regime is in keeping with international standards. Technical support is given by the National Anti-Money Laundering and Counter-financing Terrorism Committee, the NAMLAC as it is called, and the AML/CFT Compliance Unit both of which are established under the Ministry of National Security.

Madam Speaker, at the Cabinet level our strategy has therefore been to innovate as well as support and sustain national and international efforts to establish effective measures to allow for a robust AML/CFT framework. We work closely with the NAMLAC, other national entities, private sector stakeholders and international partners as part of our strategy to achieve FATF three immediate



outcomes, namely, policy coordination and cooperation, cooperation to mitigate the money laundering and financing of terrorism threats. Proceeds of crimes and funds in support of terrorism are prevented from entering the financial and other sectors, or are detected and reported by these sectors. Money laundering threats are detected and disrupted and criminals are sanctioned and deprived of illicit proceeds.

Further, Madam Speaker, terrorist financing threats are detected and disrupted. Terrorists are deprived of resources, and those who finance terrorism are sanctioned, thereby contributing to the prevention of terrorism acts.

Madam Speaker, the Government of the Republic of Trinidad and Tobago has not given lip service to its promise to prioritize white collar crimes and invariably protect the financial system from abuse. Our ministerial efforts, the actions being taken by the NAMLAC, the sterling contributions of competent authorities within the public and private sectors, as well as international and technical assistance have allowed for risk mitigation strategies that are informed, *inter alia*, by national threat assessments, findings of the National Money Laundering and Financing of Terrorism Risk Assessment, the 2016 CFATF Mutual Evaluation Report and other reports, compulsory examinations conducted by the supervisory authorities, best practices, papers and typologies. An AML/CFT strategy for 2018/2020 is currently being finalized by the Ministry of National Security, and once approved by the NAMLAC will be submitted to Cabinet for consideration.

#### **2.45 p.m.**

Madam Speaker, we also strengthened preventative measures which include updates to sector-specific AML/CFT guidelines, enhanced supervisory measures and increase in sector outreach and guidance not just to supervise entities, but even within the Trinidad and Tobago Police Service. The NAMLAC continuing to coordinate national AML/CFT efforts and operate as a forum of consultations and collaboration among reporting and supervisory authorities.

International cooperation which on the basis of this Bill in terms of mutual assistance has been strengthened, allowing for an increase in the number of agreements signed by the Financial Intelligence Unit with other financial intelligence units to share information. Our financial investigation branch of our Trinidad and Tobago Police Service and the Central Authority in the Ministry of the Attorney General and Legal Affairs continue to assist our foreign partners, and also capitalize on opportunities to obtain information from their counterparts.

We have seen Trinidad and Tobago take a leading role in the ARIN-CARIB which is an information network of experts and practitioners in the field of asset identification, freezing, seizure, management and confiscation.

Madam Speaker, legislative enhancement and policy development based on risk as evidenced by the suite of criminal justice reform legislation aimed at increasing the pace and strengthening procedures and anti-corruption strategies and the overhaul of the procurement regime continues apace.

We have already, Madam Speaker, by way of order, amended the Second Schedule to the Proceeds of Crime Act, Chap. 11:27 to include money laundering and offences under the Gambling and Betting Act as categories of specified offences. Policies currently under development or consideration that would lead to legislation include non-profit organizations, trust and proliferation financing.

Additionally, Madam Speaker, amendments to the Companies Act are being finalized to allow for the collection and retention of accurate and up-to-date beneficial ownership information in the Registrar General's Department.

By the development of civil forfeiture legislation we are seeking a more viable and purposeful approach to confiscation, seizing, retraining, freezing and forfeiting of assets, managing those assets and sharing those assets. The Minister of Finance is spearheading the efforts to treat with the insurance and gambling sectors, and efforts are in train as it pertains to optimal regulations of credit unions.

Madam Speaker, officials have also benefited on several occasions from training and financial investigation with respect to AML and CFT measures. Counterterrorism, prison intelligence, tactical and strategic analysis and combating cash smuggling were also on the agenda. There has been greater reliance on financial intelligence from the FIU and greater use of special investigative tools by the restructured law-enforcement working group.

Inter-agency cooperation has been encouraged and, in fact, has improved, allowing for an increase in parallel and joint investigations. There was also the merger of the Organized Crime, Narcotics and Firearms Bureau and the Criminal Gang Intelligence Unit in a new unit called the Organized Crime Intelligence Unit which, again, has a remit under the Trinidad and Tobago Police Service to treat with issues pertinent to our discussion.

Further, Madam Speaker, the Strategic Services Agency legislative remit has now expanded to allow for focus on all serious crimes which will include

financial crimes. The Seized Assets Advisory Committee being established, as well as the setting-up of the seized asset funds including bank accounts is also another measure to treat with, that would support measures adopted in this Bill.

Actions being taken to fulfil our international obligations to implement targeted financial sanctions related to terrorism and its financing: The recent approval by the National Security Council of the national counter-terrorism strategy, again, speaks volumes to the Government's effort in treating with issues that not only are germane to Trinidad and Tobago, but across the international security environment. And so, that national security policy and strategy implementation plan is, in fact, in progress and will be finalized shortly.

Madam Speaker, that national security counter-terrorism strategy allows us to interact at a certain level, at a very high level, with countries in the national security environment, because from policy to policy we treat with issues that are common across most jurisdictions. We also encourage collaboration between the Ministry of National Security, the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean commonly referred to as UNLIREC which allows for the development of guidelines and recommendations and preventing proliferation financing specific to Trinidad and Tobago.

The benefiting of Trinidad and Tobago from technical assistance from international partners on a myriad of issues such as financial investigation, as well as combating terrorism and its extremism continues apace. Trinidad and Tobago's commitment to national and regional AML/CFT reform as evidenced by its efforts to rectify national deficiencies, the hosting of CFATF Secretariat, assignment of staff to assist CFATF Secretariat and its involvement on various CFATF committees are, in fact, measures that indicate the support of the Government of Trinidad and Tobago.

It is obvious that we are exhibiting a strong and consistent political will to combat financial crimes. This Government continues to demonstrate that by the various measures that I have articulated a while ago, so that we are not just talking, but we are acting as this Government is prone to do. [*Desk thumping*]

Madam Speaker, what we have recognized, however, is that there remains several gaps in the framework that can either be exploited by criminals or defeat the efforts of competent authorities to ensure that we effectively deter, investigate, prosecute, convict and confiscate assets. As a responsible Government we intend to continue to operate in accordance with international best practices and this is what this Bill serves to do.

*Miscellaneous Provisions Bill, 2017*  
[HON. MAJ. GEN. E. DILLON]

*Friday, January 12, 2018*

My colleagues have already detailed the intended benefits, but please permit me to reiterate just a few of the salient points that target some of the weak links I identified a while ago. Amendments to the Mutual Assistance in Criminal Matters Act, Chap. 11:24, each country must have a legal basis that allows for the rapid provisions of the widest possible range of international cooperation and mutual assistance in financial and associated crimes, investigations, prosecutions and related proceedings.

As I mentioned a while ago, and I repeat, that we must understand the context in which we are dealing, because when one looks at the international security environment, the challenges and issues that we face in Trinidad and Tobago are identical and similar in a number of areas to the challenges faced by countries throughout the world. And therefore, it is important in terms of treaties, in terms of assistance that we work together in a cooperative and collaborative manner so that each country truly and certainly looks at the basis of sharing information and best practices.

Madam Speaker, we have looked at one of the parts of the Bill that speaks to tax evasion and money laundering and we have seen that, again based on the Attorney General's articulation, it is one measure which an amendment will correct as we go forward. This amendment, I believe, will allow for the Central Authority to share tax information in accordance with relevant guidelines. So therefore, we cannot understand that there will be any reservation whatsoever within this Chamber that law-abiding citizens would have to this provision which can only serve to strengthen our investigative powers and relationship with our international partners.

Madam Speaker, despite several charges that there have been—that we have known that there have been no money laundering prosecutions to date, and one of the contributing factors—[*Interruption*—my apologies. In fact, there have been many money laundering prosecutions to date. In response, I know that the Attorney General who has provided an overview of this legislation continues to enforce and, therefore, this Bill before us is to give him further strength and further teeth or further powers to treat with the issues with respect to money laundering and so on.

Madam Speaker, we cannot be lenient when criminals seek to become rich off the spoils of others or manipulate systems that result in empty efforts. Financial crimes require complex planning and prevention which will require strong financial controls and punishment that deters. We see these penalties as dissuasive

and proportionate to the crime as well as the risk, but in any event the penalties are maximum penalties, so the judicial officers have the discretion to impose lesser penalties if circumstances design. Crime must not pay and therefore, penalties must be dissuasive. And therefore, the measures and the amendments adopted in the Bill will certainly act as a deterrent in terms of both at the summary and the indictable level.

Madam Speaker, with respect to the Customs Act, the proposed, a more detailed provision of the Customs Act that now specifically excludes firearms, ammunition, bulletproof vests and firearm accessories inclusive of lasers, holsters, scopes and tools for maintaining the firearm being importable by non-holders of firearms users licences is also a positive test in the right direction.

Madam Speaker, when we looked at the present security situation in Trinidad and Tobago by example, when we look at the murder rate, we know that the guns are the weapons of choice and, therefore, the amendments suggested in the Bill with respect to the Customs Act to include accessories related to firearms are, in fact, a positive step in the right direction—refer to bulletproof vests, laser lights, holsters, scopes, tools for maintaining firearms—and therefore, tighter restraints and laws are required to ensure that these do not fall in the wrong hands, because as we are aware, the Bill does not seem to deter firearm users, but in fact, those who are bent on using it for illegal aims and illegal purposes.

Madam Speaker, as one looks at as of December 31, 2017, the Trinidad and Tobago Police Service was able to seize, to remove off the streets of Trinidad and Tobago, 1,064 firearms, almost 18,000 rounds of ammunition. We know what we are treating with and, therefore, laws that are being put in place will certainly assist law enforcement, will certainly assist Customs especially the Customs with respect to those types of items coming through freely through our ports of Trinidad and Tobago.

Madam Speaker, on November 17<sup>th</sup>—and I want to also look at measures that we have been looking at in terms of international cooperation. The Ministry of National Security with an understanding of what happens in the security environment continues to liaise with our international partners to look at best practices, but also to share information and set up certain structures and memorandums of intent, memorandums of understanding, again, along the lines of mutual assistance.

And to that end, on November 07, 2017, the Minister of National Security hosted Lord Ahmad, the British Minister of State responsible for the United Nations and Commonwealth Affairs. One of the positive outcomes of this visit was the

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signature of a memorandum of understanding on a wide range of collaboration in security areas. A technical committee has commenced planning for the implementation of this MOU which we intend to meet to assess progress later on this year.

This heightened level of cooperation simply complements the assistance the British have been providing in the Caribbean, to Trinidad and Tobago and the Caribbean as a whole, in a number of different areas. But, Madam Speaker, while we are continuing to cooperate, we need to also enforce this cooperation through legislative agenda, and hence the reason why the Mutual Assistance in Criminal Matters Bill that we forge today is important in strengthening those very relationships.

During the week of December 18, 2017, the Ministry of National Security also met with the Ambassador of Mexico as we seek to enhance collaboration in that country. And with respect to Mexico, we have re-established bilateral cooperation with Mexico which, in fact, started since 2014 in what is called the Grupo de Alto Nivel de Seguridad Fronteriza, commonly referred to as GANSEF, which was established in 2014. We have recently re-established that bilateral cooperation with Mexico because we understand from our interaction that there are a number of things that we can learn from Mexico with respect to dealing with drugs, with dealing with gangs, with respect to dealing with crimes.

Madam Speaker, that bilateral cooperation focuses on immigration, intelligence, international security and terrorism, drug trafficking and organized crime, public safety, customs, crime, violence and social prevention. So both countries, in fact, working towards finalizing and shaping these as we review these entities.

Madam Speaker, we have also entreated with Mexico with respect to disaster reduction because they too, as you understand, Mexico has been subjected to a number of natural disasters, earthquakes in particular, and so we are learning from them with respect to collaboration in terms of regional disaster or disaster in Trinidad and Tobago; that is a risk, again, is another area in which we have involved the Mexicans.

Madam Speaker, in terms of international cooperation we also have had some discussions with the People's Republic of China in terms of military exchanges, in terms of military courses being offered, in terms of aviation, in terms of maritime security. Again, what I am referring to here in support of the Bill is that international cooperation with issues in crime and criminality is very important in

today's world. So we continue to reach out as a country, we continue to treat with countries that have experiences that we can learn from. So in addition to Mexico, we also have had some discussions with the Republic of China.

Madam Speaker, we have also had discussion with the Republic of Colombia. Again, we have re-established the bilateral cooperation with Colombia. In particular, Colombia, we have had the policy cooperation agreement between the Ministry of National Defence of Colombia and the Ministry of National Security of Trinidad and Tobago which, in fact, was signed in March 2006. But, Madam Speaker, it has lapsed for some time, and this Government has re-established those because we believe that there is essential benefit in treating with the issues in Colombia.

One would recall from a geographical standpoint that the Orinoco River starts in Colombia and some 17,000 kilometres ends up in the Gulf of Paria, so there is a connection between Trinidad and Tobago and Colombia. As a matter of fact, in the security environment we sometimes say that whatever floats out of Colombia passes through Venezuela and ends up in the Gulf of Paria through the Orinoco Delta. So there is a connection there in terms of security and therefore, not only that, but when one looks at the security environment in Colombia, again, there are similarities in what is happening there with respect to drugs, with respect to guns, with respect to the illegal movement of ammunition and so on and even people to some extent that exist in our own security environment. So that we have reached out to Colombia to re-establish that bilateral cooperation both in the law enforcement and also in the defence and security area.

Madam Speaker, we have also looked at the relationship between Trinidad and Tobago and India with respect to, again, issues that are common to both of our countries. We have a proposal right now to establish the centre of excellence for information and technology in Trinidad and Tobago based on discussions with my counterpart from India. The establishment of this mechanism would ensure secure transmission of electronic communications to mitigate against document leakage, as well as assisting law enforcement officers who are addressing the increasing incidence of cybercrime.

Madam Speaker, the Indian Technical and Economic Cooperation Programme (ITEC) is a bilateral assistance programme run by the Government of India and administered by the Ministry of External Affairs in India, but it also deals in particular with the Ministry of National Security. It covers a wide range of sectors such as information technology, personnel management, scientific areas and also security. In this regard, a number of courses for consideration for security officers

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from the Government of the Republic of Trinidad and Tobago were proposed in such areas as cybercrime and network security; advanced information technology for law enforcement; fingerprinting; forensics; maritime surveillance and security; engineering for defence officers; and aviation. We continue to work with the Government of India, again, to explore best practices and to look at areas for collaboration and cooperation.

Madam Speaker, we have also engaged Canada. Again, I mention these countries because the situation that confronts all our countries whether regionally or otherwise are similar and I want to emphasize that because it has a nexus to what we are treating with in this Bill in terms of mutual assistance across both Commonwealth and non-Commonwealth countries.

Trinidad and Tobago has had a long dynamic relationship with Canada that began before Trinidad and Tobago's independence since 1962. In fact, since the establishment of formal bilateral security relations in 1974, Trinidad and Tobago has been the beneficiary of numerous grants and programmes offered by the Government of Canada and have entered into several agreements to advance the security interest of both countries.

One of these agreements, Madam Speaker, is the memorandum of understanding between the Trinidad and Tobago Government, and which is present and ongoing, and the prison service and the correctional service of Canada concerning the sharing of correctional information and expertise which was signed in 2012.

Again, this Government has re-established that bilateral cooperation with Canada especially with respect to the prisons, and I dare say for the benefit of this House and the public that we have benefited tremendously in shaping and changing our prison system; in fact, even from the terminology of prisons to correction which speaks to restorative and rehabilitation as opposed to prisons. So, we are learning quite a lot from the Canadians who, in fact, are prepared to invest tremendously in Trinidad and Tobago to help us assist in moving and in shaping even in infrastructure, but in terms of policy also in our prison system in Trinidad and Tobago.

But we have also experienced a number of training exposure to Canada through our military and law enforcement also. Our military has continued to benefit with exposure in the Canadian institutions both the army, the air guard, and navy, training experience even at the legal in terms of setting up our legal system, military legal system. We continue to share in international cooperation



also with respect to intelligence. With respect to intelligence, our intelligence agencies continue to liaise with their counterparts in Canada and, of course, most of the countries I mentioned a while ago to treat with issues, again, within crime and the security environment.

Madam Speaker, we have also reached out and have established contacts with the Netherlands. As you well know, the Netherlands has interest in the region through Curaçao and the other Dutch Antilles countries. So therefore, there is a security nexus between Trinidad and Tobago and the Netherlands and so we reached out to them also. We have recently had an invitation, a visit at the very highest level in terms of information intelligence sharing where one of our senior officers attended such a conference in the Netherlands, again, to establish the kind of contact—

**Madam Speaker:** Hon. Member for Point Fortin, your original speaking time is now spent; you are entitled to 15 more minutes if you wish to avail yourself of it.

**Hon. Maj. Gen. E. Dillon:** Yes, Madam Speaker.

**Madam Speaker:** Please proceed. [*Desk thumping*]

**Hon. Maj. Gen. E. Dillon:** Yes. Madam Speaker, as I was saying, we have reached out to the Netherlands because we believe that there is a common interest within the region. And next to that we have also reached out to the French who also have interest in the region because, again, we share the same security space in the Caribbean, and therefore, issues are common to all of our countries.

So that we have had, again, invitations and collaboration and discussion with the French and the Dutch with respect to sharing of information, looking at areas that are common that they have treated with, experience and it is mutually beneficial to both, to all of our countries because there are some issues that we have dealt with that they have not been experienced to, and therefore, we share information, we share best practices that are mutually beneficial to both and all of our countries.

With respect to France, Madam Speaker, we have looked at the whole question of information sharing, the whole question of intelligence sharing. There has, in fact, been a very high-powered meeting between the Director General of the Intelligence Department Homeland Affairs in France and, of course, the National Police Research Assistance Interventions and Deterrence Unit together with our director of the Strategic Services Agency and our National Intelligence

Agency at a very high level. That speaks to, again, literally mutual assistance with sharing of information, with treating with issues that are common to both our jurisdictions notwithstanding our wide geographical distance, as I said, the commonality lies with the French Departments within our regions and the Netherlands.

Madam Speaker, we also continue to work together with the United Kingdom and, of course, the United States of America to which we have some very long-lasting relationships. We continue to share information, we continue to set up structures; as a matter of fact, Cabinet has just recently approved the United States of America as a designated country under the Status of Forces Act, so that there can be exchanges of personnel between both countries; Trinidad and Tobago military personnel and law enforcement personnel can go to the United States and vice versa. So that, again, mutual assistance in the making to a large extent. We have benefited quite tremendously from our interaction with the United States both in the law enforcement environment and the security in events environment.

Madam Speaker, within recent times we have had the benefit as the only Caribbean country to have status in the Joint Interagency Task Force South, Trinidad and Tobago, that has been very beneficial to us. As a matter of fact, I can say quite publicly that based on our presence there we were able to have one of the largest drug busts in Trinidad and Tobago, almost eight hundred and something million dollars last year. And again, that is based on cooperation and collaboration, based on collaboration and cooperation, based again on a relationship with the United States of America.

We continue to benefit from training in a number of different areas; we continue to benefit from exchange of assets; we continue to benefit from a number of learnings and exchanges, again, mutually notwithstanding our size; we also teach the United States a thing or two in our environment; so it is beneficial to both of us, and again, linked to the Bill in terms of mutual assistance.

We also continue our relationship with the United Kingdom which, again, is long lasting through a number of training relationships, a number of exposures where we continue to develop our law enforcement personnel, continue to develop our security personnel. Again, with exposure to some of the highest areas and institutions of learning in these very countries. Madam Speaker, we will continue to pursue those because, again, as I mentioned within the security environment there is always learning because of the commonality of issues and areas that affect us all.

Madam Speaker, when one looks at the omnibus Bill before us, it is clear that the amendments suggested by the hon. Attorney General will speak volumes in our fight against crime, criminality and violence in Trinidad and Tobago. The amendments when one looks at it, I think it is very difficult for any right-thinking person, it is very difficult for anyone who has Trinidad and Tobago's interest at heart to not support the measures, the amendment amended. Because it can only give us, especially with respect to law enforcement and those involved in the fight against crime and criminality, it will give us the necessary tools, the necessary support, the necessary legislative framework to access, to interact, to treat with the issues that confront us.

Madam Speaker, I want to candidly say that this Bill will definitely support the fight against crime and criminality in the area of mutual assistance in Trinidad and Tobago. [*Desk thumping*] To that end, Madam Speaker, I thank you very much.

**Madam Speaker:** Member for Naparima.

**Mr. Rodney Charles** (*Naparima*): Thank you very much, Madam Speaker. I join the debate on the Miscellaneous Provisions (Mutual Assistance in Criminal Matters, Proceeds of Crime, Financial Intelligence Unit of Trinidad and Tobago, Customs and Exchange Control) Bill, 2017.

Before I begin I would like to congratulate the speakers on our side, many of whom have made seminal contributions [*Desk thumping*] in the context of our remit to ensure that this Government passes good legislation in the interest of the citizenry of Trinidad and Tobago.

In this regard, all of the speakers on this side have called for a three-fifths majority and they have called for this Bill to be sent to the joint select committee so that a comprehensive, wide-ranging discussion can take place.

The Member for Caroni East spoke, and he was speaking in the context of the Mutual Assistance in Criminal Matters Act, Chap.11:24. He asked the question: Can the people trust the Central Authority? He also spoke about the need for increased consultation. The Member for St. Augustine in the context of the proposed amendments to the Proceeds of Crime Act, he talked about the new amendment that allows money laundering to be determined by a magistrate, and he raised the points about this being an extremely complex matter.

And the Member for Oropouche East, he asked in the context of the Mutual Assistance in Criminal Matters Act: What is the justification for deleting section

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22? How many requests have been made for information on taxes, Trinidad and Tobago; how many have been refused to trigger you to make an amendment to say we are going to do away with this section of the law that gives you a right to refuse?

Madam Speaker, in my contribution I will be looking at some general concerns before I get into the specifics of the Bill. And the general concerns, the first item will deal with this Bill and the concern it seems to be what I call exogenously inspired. It means that all the inspiration seems to be coming from abroad, that we are satisfying our requirements with our international partners and not enough, in my view, not enough consideration is being given to our domestic circumstances and our national interests.

### **3.15 p.m.**

My third concern was, was there adequate consultations with respective bodies in preparing these amendments? My fourth concern, would a Joint Select Committee be more effective in producing better legislation? And, fifthly, how much power, additional power, are we placing in the hands of the political directorate? And will this empowerment of the executive advance the development of our democracy? [*Desk thumping*]

So, I will deal with the first point. Is this omnibus legislation about updating our laws along the lines of global best practices, or merely for international compliance? The hon. Attorney General said in his contribution for this Bill, and it is recorded in *Hansard* the 17 November, 2017, on page 38, and I quote:

“...Trinidad and Tobago is being viewed as a serious nation committed to fighting the scourge of money laundering and the financing of terrorism...”

My colleague, the Member for Point Fortin, spoke a moment ago about a security nexus in which we are involved, and he talked about us adopting best practices from Colombia, Canada, India, Mexico, Netherlands, among others, which place us in a state of readiness to adopt best practices with money laundering and CFT legislation, consistent with the amendments made in this Bill.

The Member for Port of Spain North/St. Ann’s West, in his contribution he said, and I quote:

“And this Bill...is just one of this Government’s initiatives to ensure we fulfil our international obligations.”

He also said that he sat in meetings with participants from the G20 countries planning how to fight corruption and how the world should fight corruption. So one gets the sense from the contribution on the other side that Trinidad and Tobago is at the forefront of this fight on money laundering and global terrorism financing. And I repeat, the Attorney General said that we are being viewed as a serious nation. The problem with that assertion is that, as I have said before in previous contributions, facts are stubborn things, they do not go away. So this assertion that we are adopting best practices, how does this align with what our global partners are saying about our commitment to the fight against terrorism financing and money laundering?

And I refer specifically, Madam Speaker, to a report, and it is entitled, “The brief on the State of Play on the international tax transparency standards”, and it was published in September 2017, just a few month ago, and this report is given by the OECD, and it is OECD 2017 report. Madam Speaker, contrary to what we heard today that report summarizes that, and I quote from the report, which I would make available to the media:

“Trinidad and Tobago also underwent a Fast-Track review but was unable to demonstrate sufficient progress to warrant a provisional upgrade in its rating and it remains ‘Non-Compliant.’”

Now, that report was by the influential Organization for Economic Cooperation and Development, the OECD, in its 2017 report. The report states that massive progress has been made by many jurisdictions towards the exchange of financial information on request standard in the last 15 months. And I want to draw it to the attention of the national community, that that 15 months covers the time when the PNM was in power. So they assessed on a fast-track review the progress Trinidad and Tobago had made during the time when the PNM was in office. Madam Speaker, our country was the only one among 147 to achieve a non-compliant rating based on reviews which began in 2016. Three countries: Barbados, Israel and St. Lucia were upgraded by the OECD based on full peer reviews. So, Barbados and St. Lucia, two of our fellow Caricom countries, were upgraded based on full peer review. And I am talking about this in the context that we are reviewing legislation to make us compliant with the international requirements.

Antigua and Barbuda and Dominica were among 14 countries which were upgraded based on fast-track reviews. The same reviews that we went through. Antigua and Barbuda, Dominica, were among 14 countries which were upgraded

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based on fast-track reviews. Countries that I like to quote in terms of what we should be looking at to benchmark our practices, Singapore, St. Vincent and the Grenadines, and the Turks and Caicos islands were also rated largely compliant.

Madam Speaker, tiny Nauru with a population of 13,000 was able to demonstrate—during the same period when we were reviewed—significant progress. So the question is, why Nauru with 13,000 persons could demonstrate significant process on a fast-track review and Trinidad and Tobago could not meet the OECD standard? It means, Madam Speaker, that somehow something is not right in the state of Denmark, and the question we should be asking is how is this legislation putting us in a position to improve our rating so that our partners—is the same partners that the Minister of National Security say we are interacting with, they look up to us, and we are working to adopt and share best practices. How can we work to ensure that our standards are consistent with best practices so that we will earn the respect, and we would not be the only country among 147 to be declared non-compliant on anti-money laundering and counterterrorism financing matters.

We should not rush to bring legislation only because international bodies are blacklisting Trinidad and Tobago without considering the operationalization of these laws. And I refer to an article entitled “Another FATCA Fiasco”. It is *Newsday*, December 14, 2017, page 9, and it says about the kinds of efforts we are discussing here today and the types of amendments to place us in a situation where we can be compliant. It says, and I quote:

Trinidad and Tobago did not have in place elements which were crucial to it achieving an effective exchange of information leading the global forum to decide that this country i.e. Trinidad and Tobago, will not move forward until it has acted on recommendations contained in the review report to achieve an improved legal and regulatory framework.

Now, Madam Speaker, that was one of the reasons why the EU blacklisted Trinidad and Tobago together with 17 countries, including some of our Caricom partners. And these things are important, and that is why what I would like to hear in the wrapping up is the answer to the question, how is this legislation putting us in a position and in a place where we will be compliant with international requirements and standards? Or is this a part of the requirement? Is this the total requirement? So that at the end of the day, as they did with FATCA, we are told that this is important and at the end of the day if we do not pass this, things will happen. So, here we are looking at this Bill, and we need to get a sense of where does this Bill fit in with our total compliance requirements. Madam Speaker, these things matter, because as I read from the EU report it said, and I quote:

It is important to note that “the blacklist will be linked to EU legislation so that jurisdictions implicated will not be eligible for funds from the bloc except where it is to aid development.”

So, Madam Speaker, we are seeing some of the challenges that are faced by Trinidad and Tobago as we aspire to meet our obligations in money laundering, et cetera. Now, for us to operate and to gain the respect of the countries which were identified by the Member for Point Fortin, we have to ensure that we have a wholesale revamp of our international image. We have to ensure that we do something about the negative advisories. We spoke earlier today about human trafficking, and the Member for Point Fortin sought to answer some of our concerns. We have to do something about returning ISIS fighters, the blacklisting by the EU, the rampant crime, the murders of foreigners in our country, et cetera, as all part of the package to ensure that this legislation is part of a suite of activities that will ensure that our country gets its rightful place in the international community.

In respect of the FIU—and I am dealing here with the fundamental question, is this legislation where the impetus of it is exogenously inspired, or is it related to our circumstances? We looked in the legislation at amending certain clauses in the FIU Act, but I go back to first principles, and I am reading from the Financial Intelligence Unit, an overview dated 2004 by the IMF and the World Bank. And what this is saying, and it is talking about what we need to do if you are establishing, if you want to have an efficiently, effectively working FIU. It says:

“As a government agency, the FIU must be given the degree of autonomy necessary to fulfil its responsibilities while being held accountable for the results it achieves.”

It continued:

“Although in establishing an FIU, authorities may feel the need to respond to the calls of the international community...”

—which we heard over and over again by the other side when we are discussing this Bill.

It says:

“...authorities may feel the need to respond to the calls of the international community, their decisions as to the FIU’s functions and modalities of its operations need to be based on the country’s own crime-fighting policy objectives, resources and priorities.”

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So they are telling us that if we need to upgrade any institutions to deal with money laundering, to deal with the FIU and whatnot, there must be a component of responding and ensuring that these institutions can operate in the context of our local institutions, our local practices, et cetera.

There is another document in the context of what is really required if we want to make Trinidad a First World country, and I will just draw your attention to “A New Paradigm: Redesigning the US AML/CFL Framework to Protect National Security and Aid Law”, and what this said was that the suspicious activity reports of the FIU for example, it says that although suspicious activity reported is generally considered to be the engine which drives anti-money laundering and money-laundering enforcement by the government the study asserts, and I quote:

Interviews with past and present Financial Intelligence Unit heads as part of this project consistently raised figures of 80 and 90 per cent of such reporting being of no operational value to active law enforcement investigations.

Now, in the context of what we really need to do with the FIU rather than the legislative approach which we have taken, our own director of the FIU has confirmed what the international best practices are saying in terms of what is necessary to get us to First World level of operations. And I read here from the *Newsday* December 14<sup>th</sup>, so this is a recent document. The FIU Director:

We are not taking the profit out of crime—and she is saying—areas in which FATF—and we hear that a lot on your side—say we must improve, include international cooperation, speedier processing of money laundering charges before the courts, enforcement of terrorism financing and terrorism laws, and measures relating to proliferation financing.

And she goes on to say, and I would just read one last part:

Trinidad and Tobago has to improve the effectiveness of its AML/CFT regime. This is partly why the FIU got a largely compliant rather than a fully complaint rating.

So, I am drawing attention to the Minister of National Security and those on the other side about what needs to be done. While we have an exogenous approach that we must comply, we must do like countries like Singapore, we will comply, but consistent with capacity building and consistent with ensuring that the institutions can meet the requirements of the demands of the legislation that come as a result of passage of this Bill.



Are our systems capable of delivering on the requirements of these new legislations? We are making the offence of money laundering either an indictable or summary offence. This could lead to more arrests and further burdens on the prison system, so we need systems in place which will ensure that the prison system can deal with the results of this legislation, if at all it is effective. Our prisons are overcrowded, based on the information provided by the Ministry of the Attorney General and Legal Affairs on prison reform. Remand prison, 157 per cent over capacity; Port of Spain prison, 290 per cent; Carrera convict prison, 108 per cent. We are told that there are approximately 3,667 prisoners in the prison system, according to information provided by the Attorney General.

If we are to ensure that this legislation works, and we come and we pass legislation and we still get bad ratings by the EU and the OECD and other global institutions, we must ensure that *pari passu*, we bring the legislation and we put in place the systems, upgrade the systems so that the legislation can be operationalized. In terms of the prison system, I refer to the *Newsday*, November 30, 2017, editorial, and it is talking about prison system:

Evidence mounts daily that Trinidad and Tobago penal system is in utter disarray. How is it possible that the most famous fraud accused in recent memory, could walk free of Golden Grove—et cetera, et cetera.

I will not be detained on that except to make the point that the institutions must be upgraded. In respect of the Forensic Science Centre, again *Newsday*, November 22, 2017, Dr. Valery Alexandrov used these words:

“Simply put, nothing is being done...”—to improve that institution.

These were the words of him, of the retired pathologist, when asked about the conditions at the Forensic Science Centre.

Why do I talk about the Forensic Science Centre? Because the firearm examiners, an integrated ballistics identification system, the IBIS, technicians assigned to the firearms section of the Trinidad and Tobago Forensic Centre, they do forensic ballistic testing on suspected firearms recovered from crime scenes, including drug interdiction, money laundering, et cetera.

Madam Speaker, the upgrade of the IT infrastructure at the FIU, we need to look at that. In the development expenditure, \$5 million was allocated in 2016, but only \$670,000 spent. Five million dollars allocated in 2016, \$670,000 spent alone on IT infrastructure for the FIU. In 2017, \$5 million was again allocated, but only \$67,000 spent. In 2018 there is no allocation whatsoever. So here we are

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looking about amending the FIU, putting in place legislation, supposedly making it in a better position to meet the global best practices standards so that we could be compliant with international rating agencies, and we have a situation where the IT infrastructure in that institution has not been financed according to the estimates of development expenditure.

**Mr. Al-Rawi:** Sorry, for what year, sir?

**Mr. R. Charles:** Sorry, it was \$5 million in 2016, allocated, only \$670,000 spent. In 2017, \$5 million, but only \$67,000 spent, and there is no allocation in 2018. IT infrastructure for the FIU.

Madam Speaker, in the context of that bit of information, an overview by the IMF and the World Bank, to which I referred a moment ago, it says and I quote:

“Enhancing the effectiveness of the FIU, in this case, might require...:

- increasing the automation of the reporting system so that the information can automatically feed the FIU’s databases, thereby facilitating the gathering of various reports that are relevant to a single case;

So what they are saying is that it is critical that you have the information systems in the FIU, and therefore we will be passing this legislation hopefully and the FIU would not be able to deliver on the requirements.

The question: How much consultation took place prior to the introduction of these Bills? The FIU, the same overview by the IMF and the World Bank said, and I quote:

“...it has been found productive to discuss the proposed FIU and the draft law with representatives of segments of the private sector that would be most directly affected by the establishment of the new AML/CFT regime.”

So, they are telling us in best practices that you need to consult. Nowhere in the presentation did we get, by the Attorney General, no mention of consultations being held by the Attorney General when he laid the Bill during his presentation in Parliament sitting on Friday, November 17, 2017. May I humbly suggest from this side that the following should have been, ought to, and still there is time, particularly if you use the joint select committee approach to ensure that the DPP is consulted, the Trinidad and Tobago Police Service is consulted, the FIU, the Commissioner of Police, the law association, the Chief Justice, the Board of Inland Revenue, the Comptroller of Customs, the Chief Magistrate, the Forensic

Science Centre, that this consultation should have taken place, so that what we would have had today in this Bill was the output and the benefits and the inputs of these important bodies that are necessary for the proper operationalization of the laws that we pass in Parliament.

Should the Bill be sent to a joint select committee for proper ventilation and scrutiny as was the case with FATCA? Madam Speaker, as a citizen I hear people commending the Parliament, when they look at the parliamentary channel, for the kinds of insights that they get when they look at the joint select committee, in its deliberations with the—for example the probe with the interisland ferry, with the Education Facilities Company, investigating the tampering of security cameras at Piarco International Airport, and WASA. And just days ago we had a former Prime Minister who provided inputs to the National Security Joint Select Committee, and he was giving the benefit of his expertise and advice, and his years of service in government and in politics to our national security infrastructure. And it is one of the ways of capturing institutional memory and bringing this into our decision-making. And I would hope the Attorney General to utilize the joint select committees approach in ensuring that this legislation is the best that we can deliver.

Now, issues with the proposed Mutual Assistance in Criminal Matters Bill my specific concerns: There is too much power in the hands of the political directorate notwithstanding safeguards in the FIU legislation. Madam Speaker, the FIU Act, section 22A(1) states:

“The Director shall not disclose or cause to be disclosed to the Minister or to any other person, except in accordance with this Act, the personal or financial details pertaining to an individual or business...”

So, we see the framers of the FIU going out of their way to ensure that there is an arm’s-length relationship between the political directorate and the institution of the FIU. Okay? But, this legislation and these amendments seek to counter that arm’s-length relationship, and I will tell you why. The Trinidad and Tobago Revenue Authority Bill, 2010 states:

In respect to the appointment of the Revenue Authority director—

**Madam Speaker:** Hon. Member, could you tell me which clause provision in the amended Bill that is before us that you are speaking to before you go into anything else?

**Mr. R. Charles:** “Hmm hmm.” I am referring to the enhanced powers given to the Minister via the central authority, and also the Board of Inland Revenue, and the Customs and Excise Division.

**Madam Speaker:** Yes, but if you could just provide to assist me with the exact clause that you are dealing with. Because I am not going to permit you to widen this debate about the FIU Bill and widened powers. Let me know the particular provision.

**Mr. R. Charles:** Madam Speaker, it deals with clause 5 of the Bill of the Customs Act. Section 2, delete the definition where it talks about the clause would go to empower the Comptroller to adjust the value of goods, et cetera.

**Mrs. Robinson-Regis:** “I mean, you try something there, eh, doh worry.”

**Mr. Lee:** No, he is correct, the Customs Act, that happened with the revenue authority.

**Mr. R. Charles:** The Customs Act has to do with the revenue authority. *[Interruption]* Because it is going to be absorbed by the revenue authority. Is that not true, Madam Speaker? *[Interruption]*

**Madam Speaker:** I have no Revenue Authority Bill before me. I think that is anticipatory. If you are dealing with clause 5 in the amendments that are before us, I would permit that, but going into anything with the revenue authority I would not.

**Mr. R. Charles:** Okay. So what is the ruling, Madam Speaker?

**Mr. Lee:** She allowed you.

**Mr. R. Charles:** She allowed me. Okay. The Trinidad and Tobago Revenue Authority Bill states in respect of the appointment of the revenue director—section 16—the Minister shall appoint, the chief executive officer and the deputy chief executive officer for the authority on terms and conditions to be determined by the board.

The Minister will have access indirectly to the FIU information either through the proposed central authority, which is part of the amendments here, or the proposed tax authority, seeing as the Trinidad and Tobago Revenue Authority will absorb the functions of the agencies such as the Board of Inland Revenue and the—

**Madam Speaker:** It is anything with the revenue authority. There is nothing about the revenue authority here before me or any revenue authority Bill. Okay? So, if you are dealing with clause 5, which deals with the Customs Act and customs and excise, I will allow that.

**Mr. R. Charles:** Right. Okay. Madam Speaker, the central authority is targeted in this amendment. And I want to go now to the relationship between the Attorney General and the central authority. It says—

**Madam Speaker:** Hon. Member for Naparima, your original 30 minutes is now up. You are entitled to 15 more minutes, you may proceed.

**Mr. R. Charles:** Thank you very much, Madam Speaker. It says:

“The functions of the Attorney General have been delegated to the Central Authority Unit...”

And I am reading here from the Bill Essentials that was supplied to us via the Parliament, and I am reading here on page 2:

“The functions of the Attorney General have been delegated to the Central Authority Unit within the Ministry of the Attorney General. All requests for extradition and mutual assistance made to and by Trinidad and Tobago are coordinated by the Central Authority Unit. The Unit helps foreign and domestic authorities obtain persons sought for prosecution and to serve sentence or to obtain evidence for use in criminal matters.”

So, in the mutual assistance, with respect to our foreign partners, the central authority is the critical organization in ensuring that we meet our obligations. The challenge is that the necessary arm’s-length relationship between the central authority and the Minister or the Attorney General is not—

**Madam Speaker:** Member for Naparima, that is already a fact. There is an amendment. What you read there in the Bill Essentials which is not a document that is officially laid here. It is meant by the Parliament as a courtesy.

**Mr. R. Charles:** Okay.

**Madam Speaker:** All right. That position is not at all affected by the amendments. If you are going to talk about clause 2, proceed.

**3.45 p.m.**

**Mr. R. Charles:** Right. I am talking about clause 2 of the Bill which proposes to remove one of the many powers granted to the Central Authority:

“...by deleting section 22(2)(k)—of the Act—“which empowers the ...Authority to refuse a request that relates to a criminal offence...”

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And the question that I have proposed to ask under that is, what is the benefit to be achieved by giving up that advantage that exists? And the question, if we give it up, and we are giving up a right of the citizens, then if we are giving up a right then it must be subject to a special majority.

Now the concerns with the Proceed—[*Crosstalk*] a special majority if you are giving up basic rights, fundamental rights. Concerns with the Proceeds of Crime Act, legislation. The difference between summary and indictable offences and I think my colleagues have alluded to some of the weaknesses in the Magistracy in terms of the workload, the backlog, the fact that the system would be clustered, et cetera. And the question is: Is there any training that is going to be given to ensure that the magistrates are capable of handling complicated issues?

Issues with the amendments to the FIU Act. We have no problem with amending the definition of the Egmont Group, absolutely none. I think that was raised by my colleague, the Member for Caroni Central. The question is, however, the subscription to the Egmont Group of FIUs for 2017 was apparently not paid. For 2016, \$36,783 was paid. In 2017, \$58,720 was allocated but the revised estimates indicated zero. Therefore, it seems that it was not paid for 2017 and they allocated the same amount this year and we hope that it will be paid. So the only point I am making is that we are coming here, we are passing legislation, we are doing things, but when it comes to the fundamental support systems that are necessary to give effect and operationalize the law, we find major fundamental deficiencies.

Madam Speaker, reference to section—I am talking here, the Financial Intelligence Unit, section 8(f), it says, the FIU:

“may disseminate financial intelligence and information to local and foreign authorities and affiliates within the intelligence community;”

The question is, a matter of who affiliates within the foreign intelligence community. It is open ended and perhaps should have been looked at. Section 4(b)—

**Madam Speaker:** You are talking about section 8(f) as it currently exists—because that is not before us. So if you are asking a question about the local affiliates, that was for a debate that is long gone. So I am not going to allow that. Please, one, I just want to advise you that if what you are doing is by summarizations by what other speakers have already presented, I just want to warn that I consider that is bordering on tedious repetition. What we are talking about here are amendments and not what you may have had a view about what exist already.

**Mr. R. Charles:** Madam Speaker, if we have legislation before us and there are implications of the legislation, in terms of the operationalization, is that not relevant? I will go on. Closing comments.

We are passing legislation without understanding that the legislation requires additional support systems in order to meet our international obligations. [*Desk thumping*] I wish to remind those opposite that it is critical in passing good legislation that we have the best inputs from citizens and interest groups in Trinidad and Tobago. In my considered view, this legislation does not adequately reflect the needs of Trinidad and Tobago if this legislation is supposed to make us compliant with international obligations. And that is why we will come here and pass legislation and we will continue to receive ratings that are non-compliant, that tell us that we are not meeting our obligations and requirements. All I would like to do to plead to the other side is to be a little humble, listen, get the inputs of others and we will have a better First World country. Thank you very much. [*Desk thumping*]

**Mr. David Lee (Pointe-a-Pierre):** Thank you, Madam Speaker, [*Desk thumping*] as I rise to contribute in this debate. Firstly, let me wish you, Madam Speaker, and your family and the staff of the Parliament a very happy and bright 2018 and my colleagues on the other side, a very bright and productive 2018 in the Parliament.

Madam Speaker, I want to start off by saying in this debate when I—using the Attorney General *Hansard* on November 17, 2017, as part of my build-up and there are certain things that the Attorney General had mentioned and stated in the *Hansard* about this particular piece of omnibus legislation that is before us today.

Firstly, he said he just came off a plane from Guyana attending a CFATF meeting. And throughout his contribution he talked about FATF, CFATF, the Berlin declaration, follow the money, Third Round Evaluation, Fourth Round Evaluation, Madam Speaker. And I want to start off on page 40 of his *Hansard*. I think it is page 40, but really and truly part of his *Hansard*, where he talked about during the Manning administration that up to April 2010 they were able to get us off the grey list. It is somewhere in his *Hansard* and I will get that shortly.

Now, I want to refer to actual information that transpired between May 2010 under the People's Partnership led by the hon. Kamla Persad-Bissessar SC, to 2015, because I remember in around 2012 it was the then Prime Minister, Opposition Leader present, and under her stewardship that we were able, and she announced right here in Parliament, that she was able to get Trinidad and Tobago

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off the grey list from the FATF in Paris. Because I do not know where the Attorney General was given the impression under the Manning administration, up to April 2010, that the country was able to get off the grey list and we did nothing between 2010 and 2015.

So I want to quote a *Hansard* right here in the Parliament by the then Prime Minister, present Opposition Leader, to start off my debate. And the other thing, while I find it, Madam Speaker, in the crosstalk earlier on, I heard the Attorney General say: Why we need a three-fifths majority? And I just want to state, all my other colleagues mentioned that there is a need for a three-fifths majority. And I want to remind the Attorney General, on September 19, 2014, under the Miscellaneous Provisions Bill, (No. 2), the People's Partnership came with the same Bills and amendments, right here in this House, and we brought it via a special majority. I want to just quote the Member of Parliament for Diego Martin North/East, the hon. Colm Imbert where he said when we were piloting and debating those Bills:

“It requires a three-fifths majority, they do not have 26 people here in the House. So unless some people mysteriously appear out of the”—air—“they will require the Opposition vote.”

Why I said that is because some of the same pieces of legislation that the Attorney General is piloting here today, at that point in time it required a three-fifths and we brought it as a three-fifths. We had a special majority at the time in the House. We could have waited until our three Members returned to pass it, but we felt that it was good law and we were able to work with the Opposition at the time and they supported those pieces of legislation. [*Desk thumping*]

The difference between then and now, Madam Speaker, it is the same pieces of legislation that the Attorney General is bringing here today, we are asking him to consider either a three-fifths or a joint select committee. And why not go to a joint select committee? It is in the Standing Order. Because, in my view, the joint select committee is able to bring the different stakeholders, both Houses, the Senate and the House together and be able to bring the experts together in front of the team, the joint select committee and bring proper and good legislation for the benefit of this country. And when it comes back to the House, it would be a piece of legislation that would not be contentious and both sides can agree with it. So I really do not understand why, and I am hoping that in 2018—



**Madam Speaker:** Hon. Member, I will ask you to move on to your next point please. [*Laughter*] Excuse me, I would just like to ask and remind all Members that a certain dignity is required in this House. Member for Pointe-a-Pierre, please continue.

**Mr. D. Lee:** Thank you. Madam Speaker, I listened to the Member for Point Fortin that he talked about in his winding up that he is hoping that we would support this piece of legislation. But I want to say that in supporting white collar crime, we do support white collar crime. [*Interruption*] We do support corruption—the fight against corruption, [*Crosstalk*] but we do not, we do not, it is our duty to bring here in this House proper legislation. We will not support legislation that infringes the rights of the people of Trinidad and Tobago at the expense of their rights enshrined in the Constitution. [*Desk thumping*] You see, Madam Speaker, this Government tends to hide behind flowery language and tried to say that we are unpatriotic. But I want to let them know that that is something that I will deal with later on.

Madam Speaker, under the amendment for the Mutual Assistance in Criminal Matters on clause 2, the Attorney General wants to remove and delete the extradition part of that clause. Right?

“Clause 2 of the Bill would amend the Mutual Assistance in Criminal Matters Act by deleting section 22(2)(k), which empowers the Central Authority to refuse a request that relates to a criminal offence under the tax laws of a Commonwealth country.”

And both the Attorney General and the Member for Laventille West and the Member for Port of Spain North/St. Ann’s West related that clause to the Berlin declaration. It is there in the *Hansard*.

The Berlin declaration was a declaration signed by countries to facilitate a multilateral competent authority agreement which would lay the groundwork for automatic exchange of financial account information in compliance with global forum standards.

So, Madam Speaker, these are principles coming out of that Berlin declaration, but it is up to the respective jurisdictions, the domestic law in Trinidad and Tobago that you are responsible for bringing good law to assist in the exchange of information. But the Attorney General has seen it fit to remove and—so that a tax law offence becomes an automatic extradition. You can extradite automatically. And, Madam Speaker, we must insist that we do not

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support corruption that is—just now. Madam Speaker, I go back to this Berlin declaration, and I really would like the hon. Attorney General in his winding up to explain how the Berlin declaration, how it relates to clause 2.

Madam Speaker, as I said earlier, between 2005 and 2010, the country was on the grey list. Under the People's Partnership we were able to remove it from the grey list and I want to say that, and I want to read something here into the *Hansard*, October 19<sup>th</sup>, 2012, by the then Prime Minister.

“As a responsible Government we did not panic...and to broadcast the deleterious effects of the non-compliance with the FATF recommendations, because we did not wish to undermine investor confidence.”[*Interruption*]

**Mrs. Robinson-Regis:** I am sorry. Madam Speaker, I am just asking, exactly where are you quoting from? That document is from where?

**Mr. D. Lee:** This document is from the *Newsday* article, *Trinidad Express*, October 19, 2012. [*Crosstalk*]

**Mrs. Robinson-Regis:** Could I just ask you to just repeat, because you said it was a *Newsday* article in the *Trinidad Express*.

**Mr. D. Lee:** No, I made a mistake. [*Crosstalk*]

**Mrs. Robinson-Regis:** That is not a Standing Order. I am asking you to explain.

**Madam Speaker:** Members. Member for Pointe-a-Pierre.

**Mr. D. Lee:** Madam Speaker, I am quoting from a *Trinidad Express* article, October 19, 2012. “T&T removed from FATF blacklist”. I am also quoting in that same article from the Prime Minister at that time, the present Leader of the Opposition, and I quote:

“As a responsible Government...”—she is quoted as saying:

“As a responsible Government we did not panic...and to broadcast the deleterious effects of the non-compliance with the FATF recommendations because we did not wish to undermine investor confidence. As we always say, our commitment first is to Trinidad and Tobago,’ she explained.”

And that was when we were able to get off the grey list.

And also in that same article, Madam Speaker, she also quoted the director, the CFATF director, Calvin Wilson, in which he praised the efforts of this

Government, the PP Government and requested help in assisting 10 other countries in becoming compliant, Madam Speaker.

So what we are saying is that between 2010 to 2012, the PP Government was able, under the stewardship of the then Prime Minister to be able to get this country off the grey list [*Desk thumping*] by the very good work of the then Attorney General, Anand Ramlogan. So when the other side talks about us being on the grey list under the PP Government I want to really say that I am hoping that the Attorney General could explain that misconception that they presented to this country that under the PP Government we were on the grey list, Madam Speaker.

Madam Speaker, under the Partnership we were always following the money and I will tell you how. The Member for St. Joseph talked about the Egmont Group a lot in his *Hansard*. I want to let this country know that it was under the PP Government that we signed up in the Egmont Group, [*Desk thumping*] and that was to fulfil Recommendation 29 of FATF and that made us compliant. So when we talk about—we talked about the Egmont Group and it appears as if the Attorney General is doing all this good work about following the money and asset forfeiture, I want to remind and let the Attorney General know that we were the one under Larry Howai, the Minister of Finance [*Desk thumping*] that started it.

Madam Speaker, what is the record of the PNM in fighting money laundering and terrorism financing in the past two years? When the Attorney General piloted this debate, this Bill, this omnibus legislation, he presented no facts and figures over the last two years under his Government what they have been doing in fighting money laundering and terrorism. So I hope in his wind-up he is able to present some facts and figures and data, because I understand even when the Member for Point Fortin was talking about money laundering, he said there was no conviction under money laundering, Madam Speaker. And he had to be corrected by the Attorney General. He had to be corrected by the Attorney General. So I am wondering: Who is the Minister of National Security? [*Desk thumping*]

Madam Speaker, the Attorney General boasted about an Inter-Ministerial Committee that is set up. He talked about this in his *Hansard* on page 42. And in his contribution the Attorney General boasted about an Inter-Ministerial Committee and team established to drive the scourge and crime out. I want to tell the Attorney General and the people, not even that was created by the PNM. That was created by the People's Partnership in 2013. [*Desk thumping*] I see the Attorney General shaking his head so I will quote from the *Hansard* of Larry Howai on September 19, 2014, page 537 and I quote:

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“Mr. Speaker, since 2012, we have continued our efforts to ensure that Trinidad and Tobago remains compliant, and to strengthen our AML/CFT regime. After the November 2013 meeting of the CFATF plenary, a decision was taken by Cabinet to appoint an inter-ministerial committee chaired by the Attorney General and also comprising the Minister of National Security...”—and himself which he was then the Minister of Finance—“The committee is vested with the responsibility for taking all measures needed to ensure that Trinidad and Tobago successfully exits the third round process, and achieves a high level of compliance in the fourth round. To this end, Mr. Speaker, the committee meets regularly with the various stakeholder agencies and provides strategic direction to the ongoing national compliance efforts.”

So that was started under the PP Government and the Attorney General is continuing it. And I have no problem with that, because Government is a continuum. This Government on the other side appears like if nothing has happened between 2010/2015. The world did not exist before September 2015 and you just came into power and you are now creating all these laws and regulations. I want to let him know that the Government is a continuum and let us try to have the decorum and understand that they might not agree with our policies and procedures and laws that we might have put in place and brought, but they are developing on it.

The Attorney General talked about the Third Round. And when you read his *Hansard* in the first three or four pages he wanted to compliment the PP Government, you know, Madam Speaker, [*Desk thumping*] for the good work that we did on CFATF and FATF. But he could not help himself. He could not help himself. And really the PP Government did good work on that for the good of the country, Madam Speaker, not for the good of Kamla Persad-Bissessar SC, the Member for Siparia. It was for the good of the country and to instil investor confidence and that is why you would have seen between 2010 and 2015, growth in this country. [*Desk thumping*] What we are seeing right now is something that this whole country is shocked and cannot compare between 2010 and 2015.

Madam Speaker, he talked about the Fourth Round evaluation as if something was wrong with the Fourth Round evaluation. I want to say that we are a small sovereign country and under the astuteness of Anand Ramlogan, the last Attorney General, he was able to carry this country into the Fourth Round. Now, the present Attorney General might say, well, we were premature because you have 2022 which is the outer time date. But what is wrong with trying to achieve for higher standard? And that is why under the PP Government, under the Kamla

Persad-Bissessar led administration, the standard was so high. [*Desk thumping*] Because what you are seeing now they are chastising us for going into the Fourth Round evaluation. And I am saying, who are they chastising? Are they chastising the technocrats that really are the ones that do the work, Madam Speaker? Because it is not Kamla Persad-Bissessar SC, the Member for Siparia. And I would think that the Attorney General should feel proud as a country that we were the first country to go into the Fourth Round under CFATF and FATF.

So, Madam Speaker, coming out of that Fourth Round evaluation you would have a lot of deficiencies, I grant you that. But it is a learning process that the technocrats of the Ministry and FIU and so forth, would have been able to learn from the deficiency to move forward, to make us a better country come 2022, Madam Speaker.

So, Madam Speaker, there is nothing wrong in going into the Fourth Round. They are making this country feel that it is something wrong by putting—the last Attorney General went into the Fourth Round. Nothing is wrong with that. It is striving for greatness, Madam Speaker. And nothing is wrong with work. [*Crosstalk*]

When we talked about the Proceeds of Crime Act which is clause 3 of the Bill, the POCA Act, I want to ask the Attorney General why are they bringing—under what recommendation using CFATF, which is a subset of FATF, that they are asking for money laundering to be tried summarily? Because I do not think from all my readings that they have an issue as it stands right now being an indictable offence. And I want to remind this country and the Attorney General, it was under the PP Government that we brought money laundering as a stand-alone offence. And that was because we were serious about money laundering. [*Desk thumping*] So, Madam Speaker, in his wind-up I ask why bring it as summarily in the POCA Act, clause 3. Madam Speaker, what was the need for that? Because in all my readings I am not seeing any recommendation for that.

Madam Speaker, when we look at clause 5 in the Customs Act, where you are now asking business individuals, custom brokers and others to keep documentation for seven years now, it was one year before. And the reason for that is about—I remember in his *Hansard*, it is about, under the Customs Act or customs department, customs division, it is a big revenue generator. And they are talking about being able to go back and assess your books over a period, up to six or seven years. Right now I think the limit is one year. Why so long that you are now asking business individuals to be able to—people can come and check your books and reassess your goods, that you would have paid duties on four, five

years ago and now you are asking them, let me see your books and if they have enough evidence based on fictitious, fake or whatever, let me reassess you and then you have additional duties to pay. And that could also hamper your business, because if you are charged and you have to pay off this offence then your business automatically shuts down because you are not allowed to import any other thing until you pay off the offence. So, Madam Speaker, I want to ask the Attorney General in his wind-up again, why do that to the business sector?

Madam Speaker, I want to come back, Madam Speaker, I want to correct something on the *Hansard*. In my exuberance earlier on in my debate, I said, I support white collar crime. [*Laughter*] I really want to say, that I do not, we do not on this side support white collar crime. [*Desk thumping*] Because I know the Attorney General is very slick, he is very slick. In his wind-up he would chastise me and my colleagues. And I also want to say we do not support corruption on this side. [*Laughter and desk thumping*] I know he is a very slick individual. So I know, I take cognizance of that and I want to correct that on the *Hansard*.

Madam Speaker, as an Opposition I think we fully support the principles of ensuring Trinidad and Tobago becomes compliant with any global requirements to prevent us from being blacklisted. Again, I also want to say we support the fight against white collar crime and we also support the fight against money laundering. I really hope that the Attorney General really listens to some of our contributions on this side and does not glibly pass it by, because I know his heart is in the right place for the country.

So we have always supported—[*Crosstalk*] Madam Speaker, so we are here today to really ensure that we pass good law here this afternoon. Madam Speaker, therefore we must, as we say, we support the principles and ensure that Trinidad and Tobago is compliant as much as possible and we work to ensure that Trinidad and Tobago reach very far and really restore investor confidence in this country. With those few words I thank you, Madam Speaker.

**4.15 p.m.**

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Madam Speaker. Madam Speaker, I want to thank you for allowing me to join this debate. [*Desk thumping*] I just want to say that, as the Member of Parliament for Pointe-a-Pierre said, that we are against money laundering, we are against white collar crime, we are against, you know, corruption. However, this Bill, as I looked at it—and I have been looking at it for a while now and I thought it was going to come back later. So perusing the Bill I realized something; that this Bill has the capacity to shut

down the economy. It is going to shut down this economy to such an extent that I do not think the Attorney General understands what he is doing. I know you are going forward with global forum stuff and FATF and whatever it is, but when you look at the Bill itself, this Bill is like a sledgehammer, slapping up the people of Trinidad and Tobago and taking it and hitting them on the ground. This is what is happening, and I am going to show why.

Number one, you are starting off with the—well, this is an omnibus Bill, you are moving through it. I am not going to be long, Madam Speaker, but this Bill starts off where it is amended to delete section 22(2)(k) of the Act which empowers the authority to refuse a request that relates to a criminal offence under the tax laws of a Commonwealth country or other country from what I realize. It could have been refused before under the Central Authority.

When I looked at this Bill I looked at it in detail and tried to find out why would somebody do something like this, because we already had the FATCA Bill that is going to talk to each country—they were going to speak to each other. Although it has not been assented, the FATCA Bill was going to talk about tax and tax laws and US. When I looked at it deeply, I realized that this is a Bill designed to extradite Jack Warner, this whole thing. And this is what he is doing, and exactly when you look at it—it may be a shock to you—okay, I take that back, Madam Speaker. It is designed to extradite citizens and a single person who the Government cannot extradite at present. Because with this, and anyone, once you remove that section, section 22(2)(k)—and the tax laws of a Commonwealth country is a criminal offence, and they can be sent off no matter what, without any jurisdiction of the Central Authority.

So I am saying, Madam Speaker, that is one way that this is hitting a person on the head and strangling the thing. The other part of it, no one has really mentioned it, but this Bill, the last part of the Bill, totally slipped in, will disallow—and I am looking at clause 4, the Exchange Control (Import and Export) Order, clause 4, it says:

“There shall be exempted from the provisions of section 23(1)(e) of the Act, the exportation from Trinidad and Tobago by any traveller on his person or in his baggage of bearer negotiable instruments as follows:

- (a) which are to the extent of US\$5,000.00 currency... or
- (b) amounting to more than US\$5,000.00 currency in value, in respect of which a declaration is made to the Comptroller...”—of Customs.

So what it is saying to people of Trinidad and Tobago—and I want you to be aware of this. Right now you can take out up to as much money as you desire, but when you reach the other side, the United States, if it is more than US \$10,000 you have to declare it.

Now, they are putting exchange control methods in place, as the Minister of Finance has said he is going to do, to say, if you are leaving this country with anything more than US \$5,000 you have to declare it to the Comptroller of Customs. And I think people have to be aware of that, because people tend to go with a little more, like about bearable instruments, et cetera, to the point of, let us say, \$9,000, \$10,000 and declare it. Why can it not be \$10,000 as what is abroad in the other countries. What is being designated?

Also, Madam Speaker, the entry into Trinidad and Tobago of TT \$20,000 or US \$5,000, must be reported to the Customs. Now, if somebody takes money outside and they are coming back in, now \$5,000 is much more when you calculate it 6.7-something to one, more than \$20,000. I still cannot understand the significance of putting TT \$20,000 and US \$5,000. Should it not be similar to that of—if you are going international acceptance—US \$10,000 and finish that on a customs declaration form? So I think the amendment should speak to that.

The other thing about it, the Customs. You say on section 274A of, I think it is the Customs Act, that:

“Subject to subsection (2), every importer, exporter, agent, customs broker, customs clerk, warehouse-keeper or operator of a port, transit shed or sufferance wharf, who conducts any transaction under this Act or”—under—“any other Customs law, shall keep or cause to be kept at his place of business or residence...all books, records, documents”—et cetera—“for a period of...six years...”

You are talking about warehouse clerks, you know, Madam Speaker. Those are fellas in the warehouse who really push the thing around the place.

“...from the date the goods subject to the transaction were entered...”

You also come and say afterwards in the Customs Act, that if someone—this is the amendment (2B):

“Where an importer receives notice of an adjustment in accordance with subsection (2A) which results in further duties or taxes being payable and the importer or consignee fails to commence proceedings before the



Appeal Board within six months from the date he received notice of the adjustment, the Comptroller may refuse entry or delivery of subsequent shipments of the importer...”

They should continue that amendment and say, “in order to shut down his business”, because that is what they are going to do. You see, Madam Speaker, it is going to do that. They should continue with the amendment, because they did not say how long the Comptroller of Customs will take to change or look at the further duties of goods. Is it between one and six years? And suppose in the fifth-and-a-half-year the Comptroller of Customs comes and indicates to the person, “You have to pay X amount of duties”, and he has goods already coming on the sea and the shore, coming from wherever it may be—containers—are you going to shut that person down because in the sixth year—in the fifth-and-a-half-year, you are given a notice to pay duties?

Are you now going to shut that person down and say, “You cannot bring in any more goods. Leave it on the port. Pay storage, pay this, pay that, until you settle this one”? And you and I know, Madam Speaker, when you go to appeal, it takes time. It takes time for a decision to be made. So when that decision is being made this person would be paying store rent, wharf rent and whatever may be—interest on payments, goods, everything lock down because the Comptroller of Customs has decided he is not going to get any more subsequent payments.

So this is what is happening here. So all in all—and then the amendment goes on and on to say a police officer is the one who could come into your house, or residence, or place of business and, as you say, if you block him or if you make any sort of negative movement, he will be able to charge you to the tune of hundreds of thousands of dollars, and you basically have to go and indicate to them why this happened.

So, Madam Speaker, what I am saying, this whole amendment—the amendment in this whole Bill—it sounds nice in words: Anti-money laundering; corruption; white collar crime. Nice words. Similar words to say the “war on drugs”, when the war on drugs was a nice word; we are going to go after the war on drugs. All the war on drugs did was jail black people in the United States of America. That is all it did. But the words were nice. Then you had the war on terror, the weapons of mass destruction. All of those are nice words in order to do negative things. This is a negative Bill for this country. This Bill is going to cause people to take their assets out of Trinidad and Tobago. They are not going to buy any real estate. They are not going to go to the banks. It is going to have cash

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payments. It is going to have hoarding of US dollars, and a lot of people have already said these types of Bills and the activity that the banks—and when you go to a bank and what they ask you at a bank, and everything at a bank makes you feel like a criminal. They have indicated that they will leave this country and go to a country that allows investment without these types of headaches.

So, Madam Speaker, it may sound good. It may sound nice, and it is going to hit the papers about white collar crime, corruption, anti-money laundering, but deep down inside this Bill is a horrible destruction of the economy and the attack on the people of Trinidad and Tobago.

Thank you, Madam Speaker.

**Madam Speaker:** Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. [*Desk thumping*] Madam Speaker, I would like to echo the welcome of my learned colleague from Pointe-a-Pierre, the Chief Whip, in welcoming us all to 2018 for the first time in this honourable House. I do hope that this year will be a significant year of endeavour, production and benefit for the citizens of Trinidad and Tobago, and that is directly relevant to the very Bill that we have before us which I now have the pleasure to wind up.

Madam Speaker, we have heard from several of my colleagues opposite. May I, just as a matter of housekeeping, enquire if you are going to be taking the break at 4.30, Madam Speaker?

**Madam Speaker:** Let me ask how long are you likely to be in your winding up?

**Hon. F. Al-Rawi:** I had proposed to take my entire time, Madam Speaker.

**Madam Speaker:** So therefore I think, subject to anything else the Leader and the Whip may wish to say, I think we would take it at 4.30. So you really have like about three minutes on this side.

**Hon. F. Al-Rawi:** Thank you. I was hoping that you would have said perhaps we would take it now and save us the three minutes of interruption.

Madam Speaker, this is a very important Bill for Trinidad and Tobago. My colleagues opposite have had the benefit of inspection of the matters before the House, certainly since we first started this debate in November, 2017. Indeed, this Bill itself is not one which just appeared in November 2017. We heard from my

learned colleague, the Member for Caroni East. He specifically asked why was this Bill allowed to lapse in the last parliamentary session, and he wondered if there was something different. In fact, this Bill was laid on the Order Paper of the last session of Parliament and it did not lapse. We specifically carried over the work onto this side of the Parliament and we did so really because there was a very specific strategy by the Government in how we would approach our post-observation follow-up reporting to the Caribbean Financial Action Task Force and to the Financial Action Task Force.

That is very important to bear in mind because we have had an enquiry coming from several Members opposite, in particular the Member for Caroni Central and from the Member for Naparima, asking if Trinidad and Tobago was being put through the loop; put through the hoops, really, in what the Member for Naparima called an exogenous situation. Were we being compelled by outside entities to uphold a standard without any real benefit for Trinidad and Tobago? And the truth is that it is perhaps a mix of the two. It is definitely within the conscious reflection of the people of Trinidad and Tobago that we must improve our own situation as a nation for the benefit of the people of Trinidad and Tobago, but that we must also meet with compliance in the global environment. And this is specifically so as it relates to matters of finance and taxation which are core feature elements of this particular Bill. That is all the much more readily apparent as the citizens of this country have followed the debate on FATCA; they followed the conversation on the Global Forum, even if some of my colleagues opposite did not pay full attention to—and I will come to that in a short moment.

But the point is that Trinidad and Tobago is definitely engaged in a parliamentary debate for a mixed purpose: one, to improve our current situation for the people generally and secondly, to meet with international compliance standards which we are bound to observe as a nation.

**Madam Speaker:** Hon. Members, it is now 4.30. We will take the suspension now. We will resume at five o'clock. This House is now suspended.

**4.30 p.m.:** *Sitting suspended.*

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

**Madam Speaker:** Attorney General, you have 27 minutes of original time left. [*Desk thumping*]

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, just before the break I had commenced the wrap-up of this debate and I was making the submission that we were achieving a bifurcated purpose. On the one hand we

were dealing with laws to better the governance of Trinidad and Tobago, properly under the Constitution as a Parliament making laws for the peace, order and good governance of Trinidad and Tobago, and secondly, as the other limb, we were also attending to international compliance standards. My learned colleague, the Member for Naparima, asked whether there was too much of—without doing savagery to his submission—he asked whether there was too much of an exogenous push from the international perspective, and whether we were essentially being pushed into the wrong direction, there being two pronunciations permissible, depending—exogenous or “exo-genous”, depending on how we do it.

So, Madam Speaker, we have definitely found ourselves in that purpose. The Member for Naparima asked a very interesting point. He asked for connection to a line of sight, as he called it, a reference to suite of products to meet with a particular purpose. I think that we can all agree that the omnibus Bill before us, treating with five pieces of law as we do, tackles several matters at the same point in time. The Mutual Assistance in Criminal Matters Act, Chap. 11:24, obviously treats with criminality from an international perspective. The Proceeds of Crime Act, Chap. 11:27, certainly deals with the realities of the offences that are to be included as money laundering offences, so tied in under the specifics of the definition of money laundering in section 42 onward from the Proceeds of Crime Act. The Financial Intelligence Act, Chap. 72:01 and its regulations, they, too, treat with the issue of anti-criminality in the cohorts of money laundering and also the financing of terrorism. And then we treat with the Customs Act which treats with the very business of Trinidad and Tobago, Customs having perhaps some of the largest coercive powers in Trinidad and Tobago for a wide range of matters, including illegal importation, contraband, et cetera. And the Exchange Control Act and the Exchange Control (Import and Export) Order. That is the subsidiary legislation treating with monetary instruments, again tied into purpose.

But, Madam Speaker, in tying in what the external perspective looks like, the answer to my learned colleagues is, yes, we are treating with recommendations coming out of the Financial Action Task Force, specifically Recommendation 3 to treat with money laundering offence; Recommendation 19 treating with high risk countries; Recommendation 27 treating with the powers of supervisors in specific reference to the FIU, et cetera; Recommendation 28, again regulation and supervision of non-designated financial entities being the other side of what financial institutions look like. Recommendation 29 which is specifically in broad terms, the Finance Intelligence Unit; Recommendation 32, treating with cash couriers; Recommendation 37, with mutual legal assistance; Recommendation 40,

other forms of international cooperation and two specific immediate outcomes referred to as IO 2 which is international cooperation and IO 6 which is financial intelligence.

Now, I am treating with, in the wrap-up, Madam Speaker, the general submissions made and then the specific submissions made by the respective Members opposite as it relates to clauses 2, 3, 4 and 5, which treat with the individual Acts themselves that are proposed to be amended. Under the heading of the generality of submissions, the question was asked whether there was sufficient consultation. And the Member for Naparima asked us to specify the consultation that was required. Regrettably, there appears to be little communication between my colleagues opposite, they themselves not speaking to each other, apparently, because whilst the Member for Pointe-a-Pierre was able to say that the NAMLAC committee, that specific inter-ministerial committee, so proudly boasted by the Member for Pointe-a-Pierre as a creation under the People's Partnership government, two seats across to the left of my learned colleague from the Member for Pointe-a-Pierre, the Member for Naparima was there going on about lack of consultation. So there is one Member talking about NAMLAC, which is a committee comprising members of the DPP, members of the Customs, members of the Financial Intelligence Unit, members of the Ministry of Finance, including Board of Inland Revenue, seconded membership for the Registrar General, members brought in consultation activity from the National Security Ministry itself, members of the specific task force, there is the Member for Pointe-a-Pierre boasting about it and right next to him is the Member for Naparima unaware of it. I mean, Madam Speaker, it really is sometimes difficult to listen to my learned colleagues opposite.

So I would like to say, for the record, that there was vast consultation from the various entities. But I would like to point out further, because my learned colleague from Pointe-a-Pierre said that a reflection upon the Bills passed under the stewardship of then Prime Minister, Mrs. Persad-Bissessar, the Member for Siparia, hon. Member as she is, reflected certain things. Madam Speaker, I looked and participated in those Bills in the Tenth Republican Parliament. I was there. But I can tell you this. My predecessor had nothing to say about consultation. And my predecessor and the former Minister of Finance, Mr. Howai, in 2011, in 2012, there was not a whisper of the word "consultation". There was no condescension to particulars of contributions from stakeholders. There was no joint select committee. And yet my learned colleagues come with this other point, a most spectacular point. We hear it time and time again: "This is a three-fifths majority."

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Now, Madam Speaker, this one caused me great consternation. Today, as I heard the Member for Naparima speak and as I heard my learned friend—my good friend—from Pointe-a-Pierre speak, I was flabbergasted. You see, the Members opposite have said that this Bill somehow requires a three-fifths majority. Let us go in order of sensibility. My learned colleague for Pointe-a-Pierre said the Bills brought under the last government had three-fifths majority provisions stated in the Preamble and therefore a three-fifths majority requirement was there. But my learned colleague did not bother to check that three Bills were brought. Three Acts were passed. Two of them required special majority and one did not.

So the premise starts to fall apart right there. Because all of a sudden, every Bill must have three-fifths majority because when you are looking at the parent law, we have to have three-fifths majority. The FIU legislation, the first Bill brought in 2011, Act No. 3 of 2011, made so by assent on the 10<sup>th</sup> of February, 2011, had no three-fifths majority clause and amended the FIU legislation. So that is point number one. Not just because you saw some with three-fifths means that all have to have three-fifths. A three-fifths majority requirement is a constitutional requirement pursuant to section 13 of the Constitution if you are abrogating rights in such a fashion, the described fundamental rights in sections 4 and 5 of the Constitution as to require the need for a three-fifths majority. And on this occasion there is no need. You do not just gratuitously put it in.

Be the second point on the need for a three-fifths majority, which is quite interesting, every Member opposite who has spoken cannot condescend to the most basic of things in their advocacy for the need for a three-fifths majority. What is that? What right is infringed? Which of the section 4 and which of the section 5 rights are being infringed by this Bill? Not a man opposite, or woman opposite, hon. Member opposite, could point to a single right. The closest they came to was in clause 4 of the Bill which speaks to the Financial Intelligence Unit and in particularly clause 4(e), which is an amendment to section 18G which talks about a warranting provision but which specifically has in the new subsection (2E) that:

“Nothing in this section shall be construed as requiring any person to give any information which may incriminate him.”

And that inclusion of a new subsection (2E) in 18G so proposed by clause 4(e) of the Bill is the closest you could come to alleging that a section 4 or 5 right is involved and the law, as proposed by the Bill, specifically removes us from that scenario.

So, hon. Members, it is not just because you think it should have a section 4 and section 5 exception pursuant to section 13 three-fifths majority that one is required. But more than that, I wish to say on the record, this Bill does not propose to go beyond the dicta for constitutionality as offered by Baroness Hale in the *Suratt* decision which is the leading case from the Privy Council on whether a special majority is needed in legislation or not. We are not abrogating section 4 or section 5 rights. We are not going any further than the contemporary law goes as it relates to democracy or fundamental principles of law within the confines offered by words of caution from Baroness Hale.

What was spectacular was to hear what I understood to be a right to evade taxes. Because the Member for Naparima had—I do not know how to describe this. It could not be the gall, because gall demonstrates courage in the face of adversity. This one was not gall. This submission coming from the hon. Member for Naparima was—and he put it out in bold form. The hon. Member said, in removing section 22(k) from the Mutual Assistance in Criminal Matters Act—in removing section 22(2)(k) from the Mutual Assistance in Criminal Matters Act, so proposed in clause 2 of the Bill, that you are disturbing a right, and the right is in relation to tax evasion, and because you are disturbing a right, you need a three-fifths majority.

Well, that one knocked me over. And then you had to say that there must be some decorum in the House because the laughter was uncontrollable from Members opposite. I mean, two years-plus, the hon. Member for Naparima has sat in this House with a free copy of the Constitution available. He just has to wave his hand and ask the Clerk or ask any of the orderlies to bring a copy of the Constitution; given one, and in two years-plus, the hon. Member has not thumbed through or read section 4 of the Constitution or section 5 of the Constitution. Madam Speaker, that is just an amazing position, if one puts it at its most charitable perspective.

Madam Speaker, let us turn to the contribution specifically in relation to the clauses of the Bill. In relation to clause 2 of the Bill, specifically the modification to the law that we propose in the removal of section 22(2)(k) of the Mutual Assistance in Criminal Matters Act, we heard Members opposite say—if I put it in summary point: One, show me where there is precedence for this in the Commonwealth; two, this is open to mischief because we are going to have, as the hon. Member for Barataria/San Juan put it—we are going to have the ability to extradite people all of a sudden. And hon. Members opposite are falling into a gross error. They are confusing the concept of extradition with mutual legal assistance.

**5.15 p.m.**

They are not synonymous. They are not the same thing. They are completely separate in the management of law. It is true that the Attorney General is the Central Authority under law and what we propose, Madam Speaker, is not only a specific requirement coming out of the Fourth Round Mutual Evaluation, but it is a specific requirement to better Trinidad and Tobago because—let me explain what the law as it stands is. The mutual legal assistance is the concept of requests coming from foreign participants—coordinate participants—asking for legal assistance. Extradition, when you are being asked by an external country, another nation for extradition, you have to meet the principles of extradition. For instance, there must be dual criminality. The crime, as categorized in the other jurisdiction, must match offences as categorized under the laws of Trinidad and Tobago, and if you do not have parity in criminality you cannot extradite. That is just one of the core concepts between it, but specifically the law that we are seeking to remove is this. Section 22(2)(k) of the current law says a request shall be refused where it:

“...relates to a criminal offence under the tax laws of a Commonwealth country...”—et cetera.

So the Attorney General of Trinidad and Tobago must automatically refuse the request, subject to the caveats that follow, of any tax extradition matter, anything dealing with tax matters.

But, Madam Speaker, most respectfully, we heard the hon. Members opposite talk about the bona fides and benefits of a joint select committee. They were in the Joint Select Committee for FATCA; they participated in the need for FATCA; they understand that automatic exchange of information is a key requirement of FATCA; and the automatic exchange of information is built upon the platform or springboard to take you to informing another jurisdiction by way of discovery of their national information, nationals or residents of the other jurisdiction in your jurisdiction, so as to promote compliance with tax laws. And if you are going to comply with tax laws and you have another jurisdiction where you find tax evasion, you are open to being extradited if the provisions match up.

So FATCA requires it— 1989 FATCA, the tax information exchange 1989 provisions of the intergovernmental agreement that we dealt with then, 1989—the 2016/2017 versions. But Madam Speaker, tied into another outlandish contribution from the Member for Naparima, another make-it-up-as-you-go contribution from the Member for Naparima, we are dealing with the concept of the Global Forum. And the hon. Member for Naparima stood up with a straight



face telling this Parliament, this Government has done nothing because the truth is, here is the OECD complaining about Trinidad and Tobago as the only country that has not met with the standards of the OECD. He did not say what I am about to say, that has not met the Global Forum standards. He did not say that.

And when I was in shock listening to him, the hon. Member for Diego Martin North/East said to me, “Like he is Rip Van Winkle”. It reminded us of somebody awaking from a slumber of 100 years who clean missed the conversation on Global Forum. Because we went to the public domain and said, yes, it is true, Trinidad and Tobago is non-compliant on Global Forum because the last Government did nothing to put us into compliance. Members opposite have confused the Third Round Mutual Evaluation by CFATF and the Global Forum OECD evaluation of Trinidad and Tobago because none of them bothered to check that it is done in arrears. Let me explain that.

The reflections by the Member for Caroni East on the International Narcotics Control Strategic Report 2016, the INCSR Report, was a report based upon Trinidad and Tobago as it existed under the UNC in 2015. The Fourth Round mutual evaluation CFATF was as it existed at the onsite of Trinidad and Tobago January 2015 under the UNC. The Third Round Mutual Evaluation, and us graduating out of the grey list, not blacklist, was because we were being assessed upon Trinidad and Tobago’s technical compliance success in 2010 under the Patrick Manning administration. So it really is a dereliction of intellect for hon. Members opposite, and in particular the Member for Naparima to come up and just say, “Well, 2013 when we spoke was all about 2013, and 2012 was all about 2012, and all hail the Member for Siparia for taking us off the grey list”—when these things are done in arrears.

Madam Speaker, it is embarrassing. I urge Members opposite, do not just read what people give you. Go and check the source material. [*Desk thumping*] Understand the processes. Madam Speaker, the fact is the Third Round grey listing is very different from the Fourth Round grey listing. The Third Round grey listing did not have the consequences that the Fourth Round enhanced follow-up has, or that the ICRG processes has, and my predecessors, two attorneys general, did nothing to advance our operational measures.

And quite the contrary to the submissions made by the hon. Member for Naparima, Trinidad and Tobago in the post follow-up observation requirements that we have had, coming out of the CFATF and coming out of the FATF ICRG process, demonstrate that Trinidad and Tobago has made massive success. And in answer to my learned colleague, the Member for Naparima, who asked, “Explain

to us what success you did”, Madam Speaker, to achieve the Global Forum compliance for fast-tracking, the last Government was required to negotiate 13 double taxation relief treaties which they did nothing on.

You do not negotiate 13 double taxation relief treaties like that. There is first round, there is second round, there is third round, there is swapping between countries, there is a cost, the terms and conditions are dealt with. The gall on that occasion is standing up and making a submission as if all of us cannot read, do not know what we are talking about, and facts do not exist. It really is embarrassing to listen to my colleagues opposite.

Madam Speaker, the removal of section 22(2)(k) under clause 2 of this Bill is to allow the Attorney General to not have a mandatory rejection of a tax offence, and that ties into this Government’s legislative agenda. It ties into the reciprocity provisions which we are obliged to maintain under FATCA, under Global Forum, under OECD, under our double taxation relief climates and, specifically in the fight against terrorism and money laundering.

I listened to my learned colleagues opposite talk about the FIU. Let us go to POCA. The Member for Oropouche East has a penchant for prosecuting his own defence on the floor of this Parliament. Everything is all of a sudden—“why money laundering going summarily; why you removing indictable offences; the magistrate can handle that; capacity is a concern; I am not too sure about that; and by the way”.

Madam Speaker, there is a place and a time to prosecute your own defence. If you are brought before the court, deal with it in the court, not on the floor of the Parliament. In fact, one could argue it is *sub judice*, so keep your mouth quiet. But the fact is that the Proceeds of Crime Act and the recommendation not for movement to summary, ladies and gentlemen. Please, hon. Members, it is to create a triable either-way scenario for an election at law between summary and indictable. That came by way of direct suggestion from the Director of Public Prosecutions because it was given in the NAMLAC committee where he sits and, Madam Speaker, it is because we have a significant number of prosecutions that are going on under the laws to deal with the Proceeds of Crime Act.

In fact, I have a full listing of them. I have 14 named matters moving down to 27 named matters that are all afoot right now, but the problem is that none of the preliminary enquiries for an indictable offence have gone past preliminary enquiry, and that is why hon. Members opposite, and the Member for Oropouche East in particular, is telling us, “No, no, no. The magistrates have problems.

Magistrates cannot deal with these matters. What about capacity?" I wonder if hon. Members opposite were watching the news in Trinidad and Tobago where there was a resounding success story on the judicial education behind the Criminal Proceedings Rules and the advocacy for the changes in the criminal justice system, and what were we holistically doing as a Government? We were improving the criminal justice environment, and that has come in to open commendation from our international partners and persons that observed that the Fourth Round Mutual Evaluation is all about operational successes. Let me prove a simple case in point.

In September 2015, when we assumed Government, the Office of the Attorney General, the Attorney General sitting as the lead entity for the Anti-Terrorism Act had zero listings for terrorist entities. Zero! Today we have 353 listings. You do not go from zero to plus 300 without having done work, Madam Speaker. That is called operationalization and the operationalization is to be had by way of definitive statement from the Financial Intelligence Unit. I have spoken to this in the public domain, but let me just put this onto the record in the context of this Bill.

In the Financial Intelligence Unit Report, the annual report for the year ended September 2017, Madam Speaker, listen to this. The total monetary value of the 877 suspicious transaction reports, suspicious activity reports, submitted to the FIU was \$22.045 billion, which is unprecedented given that the cumulative money value of suspicious transactions reported for 2011 to 2016—hear that, the cumulative value for 2011 to 2016 was only \$4.5 billion. Of the 877 STRs/SARs submitted, 824 were completed transactions, i.e. they passed, with a monetary value of \$8 billion; 53 were attempted transactions with a monetary value of \$13.6 billion.

So, Madam Speaker, we jumped by hundreds of percentage points. Let me tell you how much we have jumped. The increase in 2017 compared to 2013 in suspicious transaction activities in total compliance examinations, the increase is 342 per cent increase under this Government; the increase in the STRs is 147 per cent increase. The monetary value of blocked transactions we just specified to be in the realm of \$13.6 billion. So the question is: How is the Financial Intelligence Unit able to interrupt nearly \$14 billion worth of suspicious transactions in this way? The answer is quite clear.

1. It is shielded from political intervention by the structure of the Act.
2. The Ministry of Finance and this Government has allowed for better financing by the filling of positions in the FIU to allow for improved statistical output.

And, Madam Speaker, therefore we need not listen to the words of hon. Members opposite who just make it up as they go—

**Madam Speaker:** Hon. Attorney General, your original speaking time is now spent. You are entitled to 15 more minutes.

**Hon. F. Al-Rawi:** Yes, please.

**Madam Speaker:** Please proceed.

**Hon. F. Al-Rawi:** Yes, Madam Speaker. [*Desk thumping*] So we do not need to listen to hon. Members opposite make it up as you go. Let us just look to the statistics, and the statistics demonstrate that—let us translate this into ordinary terms. Trinidad and Tobago has earned roughly on average \$45 billion worth of revenue. Half of the national revenue in one year is approximately the value of what the FIU has deemed to be suspicious transaction activities, and hon. Members opposite, the hon. Member for Oropouche in particular, are telling the country, “No, no, no, no triable either way. Do not worry with the DPP. Do not worry with the submission to allow for the election of a summary trial. Do not allow that. Let us continue.” If we translate the point with the 17 years arrears for preliminary enquiry, let us take 17 years like the Piarco Airport enquiry. Let us just take that long.

The hon. Member opposite in speaking about his own defence, in his own litigation in this Parliament, again, is saying five years before it starts, but, Madam Speaker, the DPP has said to the country that we are required to consider this and it is not without precedent. Under the Summary Courts Act, section 100 of the Summary Courts Act, the Second Schedule of the Summary Courts Act, you have the ability to consider the triable either way. So there is ample precedent. In the same way there is ample precedent in multiple jurisdictions to treat with where we choose to eliminate the power of the Attorney General to absolutely and blanketly reject a tax extradition matter, or a mutual legal assistance for taxation issues, because we have had tax matters in the past, and for the record allow me just to put those countries into the context because the countries that have in the Caricom and elsewhere those provisions include Barbados, Jamaica, Anguilla, we have the United States of America, in the Commonwealth we multiply jurisdictions that have the very same provisions.

Madam Speaker, on the FIU and clause 4 we are being asked to accept a submission by hon. Members opposite that the FIU is somehow being given some new power. Nothing in clause 4 of the Bill, in its various subclauses, is to grant an additional power. Nothing! We say, allow for spontaneous exchange. Why

spontaneous exchange? So that the FIU does not have to wait for another FIU to knock on the door to say, “Hey, you have anything I should know about?” Instead, the FIU is allowed to do an automatic exchange of its own volition and that is exactly in keeping with FATCA and with Global Forum which hon. Members opposite in the case of FATCA eventually agreed to. So what is different on this occasion?

Secondly, they asked how much more information is going to be given? The hon. Member for Oropouche East said that there is somehow going to be a door open for malicious prosecution. Madam Speaker, in clause 4(e) of the Bill, in improving the additions to 18G of the Financial Intelligence Unit of Trinidad and Tobago Intelligence Act, we are not adding any additional power. We are improving the desk-based audit functions of the FIU to allow for the inclusion of a warranted position so that information can be handed over on desk review. That is a specific recommendation flowing from the Fourth Round on mutual evaluation. It makes good sense, it is due process, it has the prescription and caution that one’s right against self-incrimination should never be intruded upon, and therefore, does not require a three-fifths majority treatment. Quite simply. It falls within the parameters of Baroness Hale’s caution in the *Suratt* judgment.

Madam Speaker, we heard hon. Members opposite, and in particular my learned friend whose videos I have been looking at, one with an interesting Rasta wig, the hon. Member for Barataria/San Juan. I noted the hon. Member saying that Trinidad and Tobago is going to be shut down and that there was to be caution in the amendments that we are proposing to the Customs Act. What are we proposing to amend in the Customs Act? Let me put it in summary point.

1. Harmonize the terms for territorial waters so that you do not have two different laws talking about it—easy.
2. Instead of allowing for post audit review to happen in one year, give them six years.

The hon. Members opposite say that that six years is somehow going to shut down businesses. Madam Speaker, the Board of Inland Revenue can sue you for evasion of taxes for a period of six years. You are obliged to keep your records for Inland Revenue purposes for six years. How could it be outside of logic to harmonize the Customs provisions from one year to six years? When you recognize as a country that Customs does not have adequate capacity, or there may be issues and allegations of corruption amongst certain of the players, how could one year be something that works when on the record Customs as the fourth largest contributor to GDP year-on-year demonstrates that it can do better?

For hon. Members to say that we are going to shut down the country makes no sense particularly when there is a concomitant right and obligation upon the Customs officers to equally keep their records, and let me put this into context of the economy that we are in right now. The need for post audit review is a direct benefit to the citizens of this country because my learned colleague, the Minister of Education, went to the population and spoke about the difficulties in providing simple things like food or water at meetings. People laughed at that.

Our country is going through one of the hardest economic adjustments and our Government has held the helm straight under the rough and choppy seas. Madam Speaker, it is not easy to shave \$20 billion off the expenditure, it is not easy to make the adjustments. Some say devalue, take 10 to one, make deeper cuts. Nobody translates what that means, you know. Deeper cuts means fire people because your biggest expenditure is on salaries, your recurrent expenditure. And hurry up and do it they say. So we are to divorce political reality from social consciousness and just take the advice of people who say devalue 10 to one, make deeper cuts and fire about 15,000 public servants and “we good to go”. Well, Madam Speaker, that is not happening under this Government, [*Desk thumping*] particularly when the banking sector knows that there is more than four billion United States dollars from private entities. So we are told. We do not know who they are, but in the banking sector there is more than \$4 billion in fixed deposits in US dollars waiting for a devaluation.

So, Madam Speaker, when the revenue that comes from post audit conscious control as clause 4 of this Bill kicks in, as clause 5 of this Bill kicks in, I do not know who could be opposing that. So what are you going to do? Throw away your Customs records but keep them for Inland Revenue. Is that the submission that hon. Members opposite make? When we are talking about the harmonization of the exchange control in clause 6 and we are looking at “bearer negotiable instruments”, I mean with the greatest of respect we have put onto the record that we are harmonizing the cash value of bearer negotiable instruments which is as good as cash. You hand over a bearer negotiable instrument which does not have a name, it is the same thing as a dollar bill. It is literally the same thing just in a different form and we have just simply harmonized the value for cash with bearer negotiable instruments, and that is expressed in the law as US \$5,000 or TT \$20,000. That is what it is. It is not that you are debarred from bringing the money in, you know. You must just declare that you are bringing the money in, and if your declaration results in propriety you have nothing to worry about. So, Madam Speaker, I am unconvinced on any of the arguments volunteered by my learned colleagues opposite.

In 2011, in 2012, we did three Bills under the UNC Government, not one went to a joint select committee. One of them required no special majority, two of them did. They are distinguishable from the current circumstance now. We are dealing with the external environment telling us, and Trinidad and Tobago agreeing, that we must comply with certain international standards. Does it result in a legitimate aim which is proportional within the laws of Trinidad and Tobago as that concept is factored within a consideration of section 13 of the Constitution? Yes, it does. Why? We would be treating with bettering the revenue of Trinidad and Tobago under post audit review conditions under the Customs Act, we will be improving the Financial Intelligence Unit operationality for desk-based reviews, we will be meeting with compliance standards required there, we will be improving our immediate outcomes as we have and as we have been noted to have achieved in the follow-up reports for Trinidad and Tobago, where instead of being barred in all 11 of our immediate outcomes we advanced in four of them and will advance further. It is connected to a legitimate aim for tax purposes under the mutual assistance in criminal matters legislation? Yes, it is tied in to our obligations for FATCA, for Global Forum, for the intergovernmental agreements, for the double taxation relief treaties. Have hon. Members opposite even bothered to talk to each other about some of the provisions that they mentioned? It appears not, most respectfully.

Madam Speaker, this is good law. This is necessary law. We need to get on with the work product in Trinidad and Tobago and I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

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

*Clause 3.*

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

**Madam Chairman:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you, Madam Chairman. Just through your good self, I know the issue was raised as to taking some of these offences down to the Magistrates' Courts, whether you would want to have a limit as to the

amounts of it if it is like money laundering for example, or if it is you have a 50 million money laundering or 100 million money laundering offence to be taken summarily? So I do not know if you have addressed your mind to that and I would really like your comments. This was raised by some of our Members in the debate.

**Mr. Al-Rawi:** Madam Chairman, I thank the Leader of the Opposition. We did think about it. The difficulty was in the disaggregation of quantum because it presented a somewhat artificial position. If I could draw it in the context of the analogy to Al Capone who was taken down for tax evasion as opposed to certain criminality measures, it may very well be that a very well-known person you can take down for \$1 as opposed to a million dollars or \$50 million.

**5.45 p.m.**

So the difficulty and complexity in trying to extrapolate circumstances caused the obstacle to it. I could see some of the benefit in thinking about it that way but unfortunately, the circumstances were just too hard to predict.

**Mrs. Persad-Bissessar SC:** If we were to take that kind of reason, could we expect to see on a summary trial in the Magistrates' Court where you are looking at \$100 million, 200 million or would there be some kind of discretion that you would not see that? I can see where the potential for abuse will be tremendous.

**Mr. Al-Rawi:** Sure.

**Mrs. Persad-Bissessar SC:** And we do have the existing situation—I am not the best at the criminal law but we do have the petty civil courts versus the High Court in terms of quantum, so I am still asking. I think this is a very dangerous way to go where you will have magistrates who, I am not saying they will be above the law or would be deliberately abusive or corrupt but the potential for abuse is tremendous if there is no disaggregation or this is a disaggregation of the amount.

**Mr. Al-Rawi:** May I perhaps give you some comfort to reflect upon the Securities Exchange legislation; the Insurance Act, as it has been settled, without breaching the rules of anticipation; the Copyright Act. There are a number of pieces of law where the summary route is, in fact, referred for very large sums and in particular, the securities law stands out leaps and bounds among them, and so too, very shortly, will be the insurance law.

I should say, Madam Chairman, that we have drafted—it is not on the Order Paper so I can speak about it—a criminal division Bill which is very much like the Family and Children Division law where we are seeking to merge the jurisdictions of the



High Court and Magistracy to treat with criminal matters for specialist courts in this kind of area. Because both judges, at first instance, in the Assizes, and also magistrates are dealing with preliminary enquiries temporarily or even summary matters under the securities legislation, for instance, would be hard-pressed to learn up this area of law.

**Mrs. Persad-Bissessar SC:** So, how would the decision be made? Who will make that decision to go summarily?

**Mr. Al-Rawi:** The DPP.

**Mrs. Persad-Bissessar SC:** The DPP will make the decision as to which way the matter should go.

**Mr. Al-Rawi:** As it is standard in the law.

**Mrs. Persad-Bissessar SC:** Okay, I thank you. I am still very concerned and perhaps in the Senate, our Members may want to pick it up again with your good self. Thank you, Madam.

*Question put and agreed to.*

*Clause 3 ordered to stand part of the Bill.*

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

*Clause 5.*

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

**Dr. Khan:** Madam Chairman, could I just ask the Attorney General to look at (2B) and where it has:

“...who has not paid the adjustment...”

If it is a possibility of inserting “after the appeal has been determined”. It will give a window.

**Mr. Al-Rawi:** Madam Chairman, if I could just—? This ability to add teeth to the Customs law in the post-audit environment is tied into the existing section 228, if you look at (d) on the page over. It is tied in on that perspective and there is also harmony with how the Tax Appeal Board operates. So to disturb it by introducing in this clause alone, that prior to submission would cause us to perhaps, impliedly amend certain other provisions which we have not considered. So the advice coming out of the Customs authority in particular, accepted by the NAMLAC where the DPP’s office sits as well, is that this is the formula which should be consistently used as it is a feature that is currently used.

**Dr. Khan:** I am just concerned that it could open to abuse of specific individuals because you have the word “may refuse”, not shall refuse.

**Mr. Al-Rawi:** Well, we could not be prescriptive and just say “shall”.

**Dr. Khan:** No, I am just saying, by giving the window of opportunity after an appeal has been determined—we still have to go to the Senate, I wonder if the Attorney General could look at this in detail because it could shut down some importance.

**Mr. Al-Rawi:** We will. It is a feature of the current law. Secondly, it is meant to give recognition to the fact that the adjustment was made for goods admitted prior and the goods admitted prior were already sold. They have gone.

**Dr. Khan:** No, I agree but then they said you could refuse subsequent.

**Mr. Al-Rawi:** Right. So the sanction is in making sure, look—it is like getting a tax clearance certificate. Anything prospectively coming down is subject to you being cleared now.

**Dr. Khan:** You see, but it indicates here:

“...the Appeal Board within six months from the date he received notice of the adjustment...”

So you have an Appeal Board in entering. Once you have the Appeal Board entering, it means to say there is an appeal going on and if an appeal is going on, one cannot stop one’s importation.

**Mr. Al-Rawi:** Let me explain. I think I understand where you are coming from. The person against whom the levy is made or the enquiry is made in post-audit has an opportunity to reject the post-audit and in fact to appeal to the Tax Appeal Board. It is in circumstances where you have not taken right of that appeal and that is now lapsed that you find yourself in this circumstance. I want to also remind that section 212, if I remember it right, section 223 as well of the Customs Act, allow you to attend before the Comptroller of Customs to deal with the matter other than by way of court and that is a standard procedure that is done almost on a daily basis before the Comptroller of Customs prior to 1962 come forward. So there are multiple avenues of assistance in this scenario.

**Madam Chairman:** Member for Pointe-a-Pierre.

**Mr. Lee:** Thank you, Madam Chair. To the Attorney General, just in a general sense, I notice there is no penalty in this whole part for Customs officers who were in collusion maybe with the importer of these things.

**Mr. Al-Rawi:** Good point. I should say, Madam Chairman, we are in the course of discussions right now with all law enforcement officers, prisons, TTPS, Customs, Immigration, to specifically heavily criminalize certain conduct including that conduct, and that is coming by way of an omnibus presentation to the Parliament, and it is also a feature insofar as the revenue authority Bill treats with the absorption of some of the Customs issues.

**Madam Chairman:** Member for Laventille West.

**Mr. Hinds:** In addition to that, of course, Member for Pointe-a-Pierre, the existing law will take care of that. It will only be strengthened in the terms the Attorney General has just explained.

*Question put and agreed to.*

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

*Clause 6.*

*Question proposed:* That clause 6 stand part of the Bill.

**Madam Chairman:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you, Chair. Clause 6 repeats the TT \$20,000 or US \$5,000. Is there any rationale for why 20? Why not 19, why not 25? And why have the TT equivalent being less than the US \$5,000? So if you can just explain that, please.

**Mr. Al-Rawi:** Thank you, Madam Chairman. We have harmonized the provisions for cash so the cash prescriptions are US \$5,000 and TT \$20,000. I will confess, I was quite surprised because I was accustomed to declarations outward bound and I was not aware that inward bound was half the figure of an outward bound figure but it is the current law. We are looking at that holistically because remember, there are other issues that we now need to treat with. There is not only cash and bearer negotiable instruments but there is crypto currency as well, and there are other mechanisms that one can hide: there are casino chips—there are all sorts of things for value for money on that point. So we are actually looking at the quantum. We want to go through the process of consulting with the relevant authorities and stakeholders to establish where that value should be because if you are going to change it for one, you need to change it for all. So we have kept with the harmony of what prevails right now for cash and other forms and we are looking at it holistically in terms of value.

**Mrs. Persad-Bissessar SC:** Do we have any movement forward for using crypto currency which is the way the world is going?

**Mr. Al-Rawi:** Well, crypto currency is a very dangerous phenomenon that is the subject of significant attention right now as block-chain technology is being analysed. We currently treat with any other form of electronic transfer of money in our existing laws and in fact, you are going to see it come up as a feature in the anti-terrorism legislation. So it is something that is being looked at right now. It is on the cutting edge of where the world is. Some argue that it is a bubble right next to a pin, so there is an interesting conversation going on.

**Mrs. Persad-Bissessar SC:** Well, we have seen—we are a little off it but it is related to what you are saying you are doing, a holistic review. We are seeing the developed countries moving to a cashless society. I am asking to what extent are we anywhere in that low point, that bubble with the pin waiting to stick the bubble? Are we anywhere looking at those things in this review that you are talking about?

**Mr. Al-Rawi:** Very much so, from many perspectives. Most importantly, the operationalization of the Electronic Transactions Act and the build out of the systems to make it happen. So we will be effectively cashless in motor vehicles by April; we will be cashless in the Registrar General hopefully by April; we will be cashless in the Judiciary with state entities hopefully in two weeks' time. So we are moving for significant cashless environment and it is a good point.

**Mrs. Persad-Bissessar SC:** Thank you for your comments.

**Madam Chairman:** Member for Pointe-a-Pierre.

**Mr. Lee:** Thank you, Chair. To the AG, just for my own clarification. I am coming back from international and I come back here and I have a cheque in my possession but it is not payable to me, somebody else, how does that fit into this as far as the declaration is concerned?

**Mr. Al-Rawi:** Well, it does not fit into it because it is not a bearer negotiable instrument where there is no named beneficiary to the negotiable instrument. Bearer negotiable instruments fit within the category of cash. A cash is actually an instrument; a valid piece of paper so designed as to not be something that is capable of being counterfeited, at least possibly. So it does not treat with your exact scenario. And I could not give you the answer to that, I would not want to mislead you because I have not looked at it from that perspective. It may very well be that you just declare what you have.

**Mr. Hinds:** Yes, you are obliged to do that.

**Madam Chairman:** Member for Laventille West, would you like to make a contribution?

**Mr. Hinds:** No, I am just saying you are obliged to declare. That is the extent of it for the time being. Yes, you are obliged.

**Mr. Lee:** Obligated to declare what?

**Mr. Al-Rawi:** That is why I did not want to go down the avenue of advising specifically.

**Mr. Lee:** But you understand what I am trying to say?

**Mr. Al-Rawi:** Yes, you must declare your cash and you must declare your bearer negotiable instruments. You can enter with much more, you just need to say that you are and then no doubt, your declaration of source of income would then kick in, et cetera, so that things are on the up and up.

As it relates, for instance, to a banker's draft made payable to someone else, that is a different scenario. I have not looked at it myself and I would not want to volunteer advice on it without looking at it but I would assume, my gut instinct tells me that you would probably need to declare.

**Mr. Lee:** But you know that that technically can be a loophole. Right?

**Madam Chairman:** Member for Baratavia/San Juan.

**Dr. Khan:** Thank you, Madam Chairman.

**Mr. Al-Rawi:** Sorry, Madam Chair. I have just heard what my learned friend opposite said. No, it is not a loophole on this law that we are debating now but it is something that—*[Interruption]*

**Mr. Lee:** In general.

**Mr. Al-Rawi:** Yes, in general. Or one could mail a banker's draft. A banker's draft is encashable so one could mail a banker's draft and find something going on there as well.

**Dr. Khan:** Attorney General, are you then saying when this law has passed that US \$5,000 will be the upper limit before declaration at the Comptroller of Accounts on exportation and importation movements in the country?

**Mr. Al-Rawi:** Yes, as it is the current law right now in relation to cash. So all that we are doing is adding on the bearer negotiable instruments which was a lacuna in the law.

**Dr. Khan:** Now, if we are amending a law right now as we sit in Parliament which takes a long time for a law to reach Parliament or amendments as you know, why do we not just deal with this now? *[Interruption]* No, I am saying why do we not just deal with this now? Once you amend here, you could amend the others. Because at the end of the day, when you go abroad, their value is US \$10,000. It is really a bit ludicrous when people are passing through in transit into Trinidad going elsewhere and they are being caught without declaring, let us say, US \$6,000, \$7,000. What I am saying to you is that they are under the impression that abroad, when you go into the United States of America, England, it is US \$10,000.

**Mr. Al-Rawi:** Okay. So it is number one, going to be operationalized by way of circulars; number two, it will be on the declaration forms.

**Dr. Khan:** What? This?

**Mr. Al-Rawi:** Yes. The cash currency, declarations, et cetera.

**Dr. Khan:** The \$5,000?

**Mr. Al-Rawi:** Yes, including bearer negotiable instruments, we would have to amend the forms. Number three—*[Interruption]*

**Dr. Khan:** So why not just amend the 10,000 one time?

**Mr. Al-Rawi:** Because of the harmonization requirement.

**Dr. Khan:** “But when yuh say it going to be harmonized?”

**Mr. Al-Rawi:** Okay. One has an opportunity every Finance Bill every year to do this. Number two, I am sure that even though your predecessor, colleagues, Ministers of Finance, did not listen to you for the full five years that you were in Government, that this Government will perhaps listen to you and I have already said that we are looking at the issue. So even though Mr. Howai or Mr. Dookeran did not find the patience for you, we are listening. *[Laughter]*

**Dr. Khan:** Thank you.

**Madam Chairman:** Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** Thank you, Chair. Hon. AG, I think the Member for Barataria/San Juan kind of touched on the point but in light of the fact that you are indicating that it will touch on other Bills, this \$5,000, and it is a matter of harmonizing it and it will take some time, again, why is it that we cannot harmonize it now? Because what you are, in fact, saying is that if we have to do it, the Bill will have to come back to Parliament.

**Mr. Al-Rawi:** No, no, no. There is no need for this Bill to come back, any other Bill can treat with this. In particular, the issue can be treated with in any Finance Bill which is done year on year. We are looking at the issue right now.

**Madam Chairman:** Member for Pointe-a-Pierre.

**Mr. Lee:** Just to put some closure. When you are leaving the country, you do not really have a form to fill out, other than your small—how does one become aware other than what is the amount you are eligible to leave with?

**Mr. Al-Rawi:** Very good question. We are about to make some amendments to departures. So the outward bound departure issue, the requirements are going to have to be adjusted because of counter-terrorism issues that we are treating with, and we are specifically dealing with the introduction very shortly of the PISCES system. You know when you enter the United States, you do your fingerprints, you take a—camera, that system will be launched very shortly in Trinidad and Tobago. So the outward bound manoeuvres and declarations are going to be adjusted in due course and very soon.

**Mrs. Persad-Bissessar SC:** Sorry. Thank you, Madam. In the parent law, can you remind us what are the penalties, what could happen if you fail to make these declarations, either outward or inward?

**Mr. Al-Rawi:** There is no current obligation for a declaration outward, there is an obligation for declaration inward. The breaches would be contained in the law in the Customs Act. It would be close to, if I am not mistaken, forfeiture and first-time offence, a certain quantum up to \$125,000, and then 10 times the value of the amount, et cetera. If I am not mistaken, if my memory serves me, it is section 212 of the Customs Act.

**Mrs. Persad-Bissessar SC:** So this is when we are coming in, what about if you fail to declare when you are going out?

**Mr. Al-Rawi:** There is no obligation to declare going out right now.

**Mrs. Persad-Bissessar SC:** But this seems to be saying otherwise.

**Mr. Al-Rawi:** “There shall be exempted from the provisions...the importation into Trinidad and Tobago...”

**Mrs. Persad-Bissessar SC:** You have exporting and importing.

**Mr. Al-Rawi:** “There shall be exempted from the provisions...the importation...”

“There shall be exempted...the importation...”

“There shall be exempted from the provisions...the exportation from Trinidad and Tobago by any traveller on his person or in his baggage of bearer negotiable instruments...”

So you are correct, the exportation is in (b), we would have to adjust. There would have to be an operationalization for that and there would have to be a form to declare. So there is still some operationalization for these ends.

**Mrs. Persad-Bissessar SC:** Sorry, Sir. Would there not have to be some way of—

**Mr. Al-Rawi:** Point of declaration.

**Mrs. Persad-Bissessar SC:** Point of declaration, also creating a penalty, a liability for failure so to do?

**Mr. Al-Rawi:** The liability will no doubt kick in into the existing provision in 212. So there is no liability attached on to this particular section. Let me pull the parent law for you.

**Mrs. Persad-Bissessar SC:** Can we move on and perhaps we can come back with it, please?

**Mr. Al-Rawi:** That is the last clause.

**Madam Chairman:** That is the last clause.

**Mrs. Persad-Bissessar SC:** Oh, sorry.

**Mr. Al-Rawi:** I probably would not have it before you but under the Exchange Control (Import and Export) Order which is subsidiary legislation to Chap. 79:50, there are the exemption provisions and then there is the penalty. Right. So under the existing law, the exportation also applies to cash. So there is an existing law for exportation. It is to be found in section 4 of the Exchange Control (Import and Export) Order, which is Chap. 79:50, a subsidiary legislation, and there is the harmony now with cash and with bearer notes in negotiable instruments.

So you have raised an interesting feature of operationalization for the whole of Trinidad and Tobago for many, many years because there is an exportation position so the point of declaration for that is something of operational concern. I know for the operationalization of this, that the note from Customs to us includes



the circulars and then the imposition of certain desks, et cetera, so I am confident that it is coming now. Whether this is one that exists right now for exportation, I think from any one of us that have travelled, we cannot spot a desk that says that, so that is something to be attended to even though it is existing law for apparently quite a very long time.

**Mrs. Persad-Bissessar SC:** AG, I thank you but the second limb of my question was: is there a penalty for failure so to do or will such a penalty be created for failure so to do? When you set up your desk and your circulars, what is going to happen to me if I do not do it?

**Mr. Al-Rawi:** Understood. There is a penalty and it ties back into the parent Act. So the imports and exports Orders were done in 1993, just to let you know. Right? So that has been a feature of the law from 1993 and it also applies to gold by the way. Right? So it applies to gold, it applies to cash, it now applies to bearer negotiable instruments, and the penalty will be in the parent Act. And unfortunately, I did not walk with that breach of subsidiary legislation clause but it is in the parent law.

**Mrs. Persad-Bissessar SC:** Okay, we will take your word for it. And will all these ways of valuable something, whether it be gold, the instruments or cash, whatever it may be, is it going to be cumulative? That is to say, is it going to be cumulative when I add my cash together with my traveller's cheques, together with my earrings?

**Mr. Al-Rawi:** No, there are categorization of positions. So cash is cash, bearer negotiable instruments are bearer negotiable instruments and quite interestingly, gold stands apart. So if I look to import and export, the exportation from Trinidad and Tobago of any gold is hereby prohibited except with permission of the bank. So I would assume that that is interpreted in law since 1993 to be gold for the purposes of trade or export or otherwise.

**Mrs. Persad-Bissessar SC:** Well then, they are not for personal use I guess.

**Mr. Al-Rawi:** I would assume that your personal extremely valuable gold or not so valuable gold—because costume jewellery is as good as real these days, if not safer—would be an exception.

**Mrs. Persad-Bissessar SC:** Okay, well finally, I am saying that we have all these different things, if you tell me is \$5,000 or \$20,000 in value, does it mean everything must add up to—*[Interruption]*

**Mr. Al-Rawi:** Cumulative.

**Mrs. Persad-Bissessar SC:** Cumulative. That was the word.

**Mr. Al-Rawi:** No, they would stand. So it will be \$5,000 in cash—

**Mrs. Persad-Bissessar SC:** So I can have five in gold, five in cash, five in—

**Mr. Al-Rawi:** Five in bearer negotiable instruments.

**Mrs. Persad-Bissessar SC:** In instruments. Well, that is a little more heartening.

**Mr. Al-Rawi:** And it is the existing law.

**Mrs. Persad-Bissessar SC:** Until you harmonize it.

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

**Mrs. Persad-Bissessar SC:** Okay, thank you very much for the time.

**Mr. Al-Rawi:** Thank you for the excellent enquiries.

*Question put and agreed to.*

*Clause 6 ordered to stand part of the Bill.*

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

*House resumed.*

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

**DENTAL PROFESSION (AMENDMENT TO THE SCHEDULE) ORDER, 2017**

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. I beg to move the following Motion standing in my name:

*Whereas* it is provided by section 5A of the Dental Profession Act, Chap. 29:54 (hereinafter referred to as “the Act”) that the Minister may by Order, after consultation with the Council, amend the Schedule by adding thereto or deleting therefrom any University, College or other Institution;

*And whereas* it is provided by the said section 5A of the Act that every Order made under this section shall be subject to affirmative resolution of Parliament;

*And whereas* the Dental Profession (Amendment to the Schedule) Order, 2017 was made by the Minister under section 5A of the Act on the 10th day of November, 2017;

*Dental Profession Order, 2017*

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*And whereas* it is expedient to approve the said Order:

*Be it resolved* that the Dental Profession (Amendment to the Schedule) Order, 2017 be approved.

Madam Speaker, the issue before us is a very simple one. The Trinidad and Tobago Dental Act was created in 1980 and only amended in 1999 to include, for the first time, the University of the West Indies, Trinidad and Tobago, herein after referred to as TTO, the Trinidad and Tobago Dental School on the Schedule of approved schools. What we are here to do today is to make a further amendment to that same Schedule which was amended in 1999 to now include the University of the West Indies, School of Dentistry, Mona Campus, Jamaica. No other schools are we saying is to be added, no polytechnic, nothing like that. It is the University of the West Indies, School of Dentistry, Mona Campus, Jamaica.

At section 5(1)(a) which provides for holders of diplomas or degrees from the then only UWI Dental School in TT to be entitled to temporary registration and to be automatically fully registered after a satisfactory completion of a mandated one-year vocational training or internship. Since that amendment I spoke to earlier in 1999, the University of the West Indies has added a second dental school to its Medical Sciences Faculty in Mona, Jamaica. So that is the issue before us.

The rationale goes a bit further and is more wide-ranging because one of the key elements of the CSME, Caribbean Single Market and Economy, is the free movement of goods and services and in this case, we are referring to health services, and to practise in a country, dentists and other health professionals have to be registered in that country. So we want to register, in Trinidad and Tobago particularly, Trinidad and Tobago's students, nationals of Trinidad and Tobago, studying dentistry in the Mona Campus of the University of the West Indies in Jamaica. That is what we are here about today.

Madam Speaker as the Motion said, we must have had consultation with the Dental Council and I must now put on the *Hansard* the results of that consultation with the Dental Council by way of letter September 19, 2016.

**6.15 p.m.**

But I must say, even before this letter was written to the Minister of Health on September 19, 2016, I met with representatives of the dental council early in my tenure in 2016, asking for amendments to the Dental Act, which they would like to propose. To date, we have not received any firm recommendations from the

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dental council as to amendments. But the issue of Trinidad and Tobago nationals studying in the University of the West Indies, Mona Campus, Jamaica, being able to come back into Trinidad and be registered is a thorny one.

So, after consultation with the Dental Council of Trinidad and Tobago, they wrote to me formally on September 19, 2016. And I think in all fairness we must put it on the *Hansard*, what the result of that consultation was.

Our decision to not grant the Mona School of Dentistry automatic registration at this time is based on the following factors:

One, in the schedule of accredited institutions of the Dental Professions Act, the list is divided by countries and the UWI Dental School falls under Trinidad and Tobago.

We are now addressing that. So that initial concern they have, that the schedule did not have the Mona Campus, Jamaica will now be remedied by this Motion.

The second objection is this:

The Dental Council has some degree of oversight over the School of Dentistry, St. Augustine, as the Minister of Health, in collaboration with the Dental Council, can review the curriculum every five years and make recommendations thereon. The Dental Act provides no such provision for the School of Dentistry in Mona.

Apart from this, there are other things to consider.

This is the way the letter goes on:

As far as we know, the programmes of the two faculties may be very different. We have no idea of the curriculum, staff or facilities at Mona. There are two UWI representatives from the School of Dentistry, St. Augustine, that sit on the Council and this offers some degree of collaboration between the two.

Also at this time, the Council is reconsidering whether we should have a schedule at all, and we plan to raise this with you when we present our legislative changes shortly.

What this letter is basically saying, it speaks to issues of accreditation, quality control.

I have waited on the Dental Council, as I said, from early 2016, and from September 19, 2016. We have not yet received their suggestions for amendments.

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So originally I would have waited over one year, and in the last instance by this letter September 2016, we have waited now three months or four months.

Madam Speaker, we cannot continue to wait. We have a public health system to run. That is why, even though they object, we are bringing this amendment to include the Mona Campus, Jamaica in the schedule.

Madam Speaker, let me say on the onset that I intend to allay the fears of the dental council by putting on record the following. There is a body in Trinidad called CAAM-HP. What is CAAM-HP? CAAM-HP was an agreement establishing the Caribbean Accreditation Authority for Education in Medicine and other Health Professionals. This is a Caricom document signed by 15 Prime Ministers of the Caricom area in 2003. It was signed off on behalf of Trinidad and Tobago by the then Prime Minister, the hon. Patrick Manning on the 13<sup>th</sup> day of November, 2003. This set up, under Caricom, a regional body for accreditation. This is the body for accreditation for medicine and health sciences, including dentistry, for health professionals in the Caricom.

What are the objectives of this? It is to make sure that the objectives of the Dental Education Programme are met; that the organization, that is the schools or the universities of the programme, have the resources to accomplish the objectives and evidentiary proof that objectives and goals are being met. So I lay that on the table.

What I would go on to say is that Trinidad and Tobago, as I have said is a signatory to the Caricom Inter-governmental Agreement for CAAM-HP. This gives everyone the assurance that the quality generates confidence in the stakeholders, the students and the public. Also CAAM-HP is also accredited by global accreditation bodies. Let me put it on the record. CAAM-HP creates history. The Caribbean Accreditation Authority for Education in Medicine and other related professions, referred to as CAAM-HP, was accredited by a team of experts from the World Federation for Medical Education. So CAAM-HP, which accredits health care institutions and professionals in the Caribbean, is also accredited by a global accreditation body, and also accredited by the Foundation for Advancement of International Medical Education and Research. And they were granted recognition for a 10-year term. This is the assurance for quality. This is the assurance that graduates from Mona Jamaica and may I say St. Augustine fall under international standards.

So, I think the fears that the dental council has about accreditation and quality can be allayed by the fact that CAAM-HP has international recognition. And may I

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also say, Madam Speaker, CAAM-HP has the full backing of the Ministry of Health and COHSOD, the Council of Human and Social Development. They are satisfied with the quality of CAAM-HP and the accreditation process.

Let me say that in addition, the Act has a specific subsection that requires additional conditions for registration of graduates. But at the time there was only one dental school. We are now going to put in a second dental school run by the University of the West Indies.

Madam Speaker, having said that, I now need to put how dental services in the public sector—because what we are concerned about is the inequity of dental services for the citizens of Trinidad and Tobago. The RHA Act, No. 5 of 1994, created a system for the devolution of the delivery of health, goods and services to the RHAs. So we have four RHAs in Trinidad, Regional Health Authorities, and one RHA in Tobago. This was a devolution of authority to hopefully bring better delivery of goods and services to the people of Trinidad and Tobago. Whether that mandate has been filled or not, is the subject of another discussion.

However, when the RHA Act came into force, the Ministry of Health, for better or for worse, retained under its portfolio 20 areas of delivery known as vertical services, which were not devolved to the RHAs. Some examples of these vertical services are: insect vector control, blood banking, Hanson's Disease Unit, and so on. One of those vertical services is the provision of dental services. So I want the population to understand that when we talk about dental services in the public health sector, it is still under the direct control and management of the Ministry as a vertical service like blood banking, like insect vector, and it does not fall under the direct control of the RHA. That is another discussion as to whether that is desirable or not and which is not within the ambit of this debate.

Madam Speaker, for us to understand why we want to include Mona Campus, Jamaica, I need to give you, Madam Speaker, and the population and my friends opposite a tour of the local dental landscape, and I am sure what I am about to reveal may cause some consternation. And this is why we must not see the provision of dental services as something to be unnecessarily managed and restricted.

Currently, in Trinidad and Tobago, with a population of 1.3 million people, and how many teeth each person has? Thirty six teeth? One point three million multiplied by 36 teeth you get about 40 million or 50 million teeth. In Trinidad and Tobago, the number of registered dentists is only 425. That is a very low

figure. That means you have one dentist for every 3,212 people and that is a very low figure. If we want to aspire to First World status or developed country status, we need to get that up.

But, Madam Speaker, the figure gets—when you disaggregate that figure, there are only—of that 425 registered dentists on the roll, do you know how many work in the public sector? Twenty-eight. Only 28 of 425 dentists work in the public sector and many of them also have their private practice. So their time is not wholly focused on the public sector. And that 28 in the public sector, I am told, has been static for 20 years. For 20 years in this country, we have only had 28 dentists in the public sector.

Now, that is an absolute tragedy and that brings me to the point I am now going to make; inequity. All the research tells you that dentists, and it is their right, tend to congregate in towns and cities, and the same thing happens in Trinidad and Tobago. So when you have only 28 dentists in the public sector, what it means is that people in the rural areas, in the rural communities, who need access to dental services, are at a distinct disadvantage. So there is a lot of inequity. Even though you have 425 dentists, the concentration of those dentists in towns and cities globally and in Trinidad, leads to total inequity.

And, as Minister of Health in this Government, we are concerned that the Ministry's efforts should be geared towards bringing relief in the public sector to those who use and depend on the public sector for their health care, inclusive of dental services. So, Trinidad and Tobago is no different.

Madam Speaker, in the public health sector, we estimate, and it is an underestimation because I could not get exact data, the estimate is we probably have on the books 35,800 patients under the control or supervision of 28 dentists. That is not good, and what is happening is that the waiting time for dental services is now three to six months.

Madam Speaker, I am sure every one of us has had a toothache. For the person who cannot afford to go to a private dentist, what are we telling that person? Why are we keeping the profession closed? Why? You cannot wait three to six months in the public sector for an appointment for a root canal, to extract a tooth, to have a tooth filled, and our 10-year manpower plan at the Ministry tells us that we need 137 dentists in our public health sector. But we have 28. So there are 67 vacancies that we have to fill and we have Trinidad and Tobago nationals studying in Jamaica, want to come back here, and they are told to practise dentistry here, they have to write a second exam and that is another source of

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inequity, not only inequity for the patients, we now have inequity for our dental students who are Trinidad and Tobago citizens studying in Mona, Jamaica, want to come back here and give back to their country, especially in the public sector, and barriers are being put in their way. And we want to pull down those barriers here today. And I am hoping to get the support of our friends opposite. We need to bring down those barriers. We must and can do better.

Madam Speaker, the positives in addressing these built-in inequities are both absolute, in terms of numbers, and will help us to bring much needed dental care, especially to our rural areas. It is also our manifesto pledge, because even if the manifesto did not speak specifically of dental care, it did speak to a rejuvenation of primary health care.

When I came into the Ministry in September 2015, I made the point at my first executive meeting that dental health care in the Ministry is an ugly duckling. Little attention was paid to dental and dental health care, and that is realized when I said that only 28 dentists have been employed in the public sector for 20 years. If you wanted proof that the Ministry of Health paid little or no attention to the dental agenda, that figure tells you that that has to change.

So, primary health care and dental care has to be number one when it comes to us. What are some of the benefits to mounting a proper dental care response? I will tell. WHO says that dental disease is a major health problem. It is a major health problem. It is a major public health issue. The WHO says, in 2015, that dental caries is the most widespread non-communicable disease. You would hear me talking all the time about NCDs, non-communicable diseases: diabetes, hypertension, high cholesterol, but dental caries is also a very serious NCD problem. So this fits in brilliantly. It dovetails brilliantly with the Government's overall non-communicable diseases plan.

Madam Speaker, bad oral hygiene and bad dental care is also associated with adverse growth patterns. Because if you have a child who cannot eat properly because of dental problems—he cannot eat properly, he cannot take in nutrients, he is not going to grow. He or she will not thrive. And the burden on the poor and indigent tends to fall mainly on those socio-economically disadvantaged ones.

Madam Speaker, there is a book, which I use as a Bible, Quran or Gita of sort, called *The Social Determinants of Health*, written by Sir Michael Marmot, who is going to be down here very, very soon, and it speaks to how the poor in any country carry an uneven burden of poor health, because of education, lack of resources, and they depend on the public health care for their health care needs. So, we want to address all of that.



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Madam Speaker, in researching for this Motion, I said I would probably alert the population to other, maybe unknown effects of poor oral care. One I knew about many, many years ago and that is the relationship between poor oral care, cardiovascular disease and stroke. I do not think many people know that folks with poor oral hygiene and high bacterial count in their mouths, that bacteria when it gets into your bloodstream, can migrate to your heart and actually cause a heart attack. Right? So we need to understand how important proper oral hygiene is.

Gum disease, Madam Speaker, leads to infection, loss of bone in the mouth, it also can lead to stroke and dementia. It could lead to respiratory infections. It can lead to diabetes not being properly controlled. And, Madam Speaker, for our pregnant population, we need to alert our pregnant women, that with the hormonal changes they experience, it makes them susceptible to infections and pregnancy complications. It can lead to low birth weights and lead to premature birth.

Madam Speaker, the last one is going to be a bit funny but it is true. In researching for this, I found out that men with poor oral hygiene, with lots of bacteria in their mouths, similarly, if that bacteria migrates to the heart and can cause heart attacks, it also migrates to the blood vessels in the penis and can cause erectile dysfunction. Yes. I thought I will raise that but it is true. I am raising it for my colleagues, no pun intended. So, Madam Speaker, the benefits of proper oral hygiene are well known.

Madam Speaker, I want to say briefly and put on the table what the comparison is between the Jamaican degree, five-year degree in dentistry is about, and what the Trinidad five-year degree is about. So they are both five years in duration. It is very rigorous, five years. What are the additional requirements in the country? In Jamaica, they have to do an exam. In Trinidad and Tobago, they get one year vocational training, but what happens now is that the students coming back have to sit a second exam and that is the inequity we are trying to address.

Madam Speaker, both Trinidad and Tobago and Jamaica are accredited by CAAM-HP. And that is why the objection from other folks in the dental community are very, very concerning to me. I have put onto the *Hansard* the objections of the dental council. I also have the objections written by Dr. Asha Lall, which says:

It is my understanding that the Jamaican Dental Council does not grant accreditation to the School of Dentistry, Mona.

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Madam Speaker, it is CAAM-HP, which I spoke about, that grants accreditation. So I am trying to figure out why the powers that be seem to have a problem with the dentistry programme in Mona, Jamaica.

While their system of accreditation may be different from ours, meaning Trinidad and Tobago:

...the School of Dentistry, Mona, receiving accreditation in its home country would show confidence in the school and be a significant step in cementing its reputation.

I find that argument illogical, because CAAM-HP, which was signed on in November 2003, by 15 Heads of State as the super-accrediting body for medicine and dentistry and which, as I have said, is accredited by the world governing body, is the accreditation body for medicine and dentistry in Trinidad and Tobago.

Another letter written to the Chief Medical Officer, Dr. Roshan Parasram on 28 March, 2017, signed by Dr. Asha Lall again and talks to a letter from one Mr. Warren Straker. It goes on to say:

Further, Warren Straker's letter states that graduates from the Mona Campus have not been afforded the opportunity for temporary registration. This is false.

The School of Dentistry, University of the West Indies, St. Augustine, has had one candidate from the Mona Campus who applied for temporary registration, which was granted to pursue a one-year internship programme.

My question is: If you could do it for one, why not do it for all? Why put up these artificial barriers to nationals of Trinidad and Tobago studying in Mona, studying a five-year programme in dentistry, similar to a five-year programme at UWI, St. Augustine, and we keep throwing up these barriers? I just do not understand it. But we have a sworn duty in this Government, in the health sector especially and all, whether it is in education, social services, to serve those who depend on the State for their well-being.

So, whilst there was consultation, I must say the results of those consultations do not lead me to believe that if we continue to wait on the dental council, we would get anywhere very soon.

Madam Speaker, I want to go and deal with accreditation again. If you go to the CAAM-HP website, schools with CAAM-HP assessed programmes, it gives you all the schools in the Caribbean, whether it is medicine or dentistry, and tells you the

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type of accreditation they have. So, for instance All American Institute of Medical Sciences, Jamaica, they have initial provisional accreditation withdrawn. So they would have gotten some type of accreditation. CAAM-HP would have done their work. It is withdrawn. All Saints University, not accredited; American University of Antigua, College of Medicine Antigua and Barbuda, accredited with conditions. And you go on. So you will see different levels of accreditation. Initial provisional accreditation withdrawn. You will see some saying not accredited. You will see some saying accreditation pending.

And let us go to the dental schools. On the CAAM-HP website you will see the following: on the first page, so if my colleague from Barataria/San Juan wants to check, under dental schools, you will see school name: the University of the West Indies School of Dentistry, St. Augustine Campus, Trinidad. And as of July 2017, their accreditation status with CAAM-HP was “Accreditation on Probation Extended, 2016-2018”. Let me repeat that. The University of the West Indies School of Dentistry, St. Augustine Campus in Trinidad and Tobago, where those students writing their final exam, automatically can practise, their accreditation status with CAAM-HP, “Accreditation on Probation Extended, 2016-2018”. I am going to explain what that means soon. But, when you go to the University of the West Indies School of Dentistry, Mona Campus, Jamaica, their accreditation status as of July 2017 is “Accreditation with Conditions, 2017-2019”.

Now, what does that mean? What does “Accreditation with Conditions” mean, and accreditation with probation mean? Let us deal with “Accreditation with Conditions”, which is where Jamaica, Mona Campus is. It means there are weaknesses in non-critical areas. CAAM-HP considered and accepted the 2017 progress report from UWI, Mona Campus programme, which was presented at its meeting held on July 20 to 22, 2017. CAAM-HP noted the marked progress made in addressing the concerns with respect to—so these are the areas CAAM is concerned about—governance, budgetary arrangements, admission processes and student representation. Nothing about clinical. Nothing about teaching.

**6.45 p.m.**

“In light of the progress made, the Authority agreed to accord Accreditation with Conditions for two (2) years 2017-2019.”

That is Mona. What is the current accreditation status of UWI, St. Augustine:

“Accreditation on probation extended, 2016-2018.”

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And what does that mean? As opposed to Mona, Jamaica which said weaknesses in non-critical areas, UWI St. Augustine weaknesses in critical areas, critical areas.

I ask, if we are to be objective, which school do you want your graduates from? And what does it go on to say:

“The 2017 progress report from the UWI School of Dentistry, St. Augustine was presented to CAAM-HP at its meeting held in July 20-22, 2017. The Authority considered and accepted the progress report noting that significant progress being made in areas of management structure of the school,”—which is a serious issue—“infrastructural developments and the refurbishment of the Polyclinic.”—which is where you do your clinical training—“The Authority noted that the next full accreditation visit is due in 2018.”

So you have one school getting accreditation with conditions in Mona, Jamaica. You have one school accredited with probation, weaknesses in critical areas, but the school from Jamaica which gets the better report from CAAM-HP, those students when they come to Trinidad, you are now asking them to write another exam. Where is the logic? Where is the logic? If someone could tell me where the logic is, I would love to see it.

We have to blast open this door that keeps people who want to serve the country out of the system and bring them into the system. That is what we have to do. The practice of medical sciences is not a cloistered virtue. It is not something to be—you know, managed at the whims and fancies of people, who have a different agenda to the government of the day.

It reminds me, in passing, I am not going to dwell on it, back in 2003, when then Minister Jerry Narace had to come to this very place to get an Act to set up a parallel medical council to allow Cubans to practise in Trinidad and Tobago, and the then Opposition opposed it down the line. I will ask you, Madam Speaker, where would the public health sector be today, without those Cuban doctors—

**Hon. Member:** Why were they sent back in the five years?

**Hon. T. Deyalsingh:** Right? Where would the poor people of Trinidad and Tobago who depend on the public health system, where would we be today if the People's National Movement did not take a patriotic stand in 2003, [*Desk thumping*] to break the status quo? Where would we have been?

So, Madam Speaker, I do not intend to detain the House much longer, I think I have put everything on the table that will comfort the people of Trinidad and Tobago, that our nationals who study in Jamaica are worthy of registration to

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practise without having to do a second exam. As I close, Madam Speaker, as I said, this thrust on primary health care is a manifesto promise. The inequities in the delivery of health services is a major concern of this Government and we are intent on putting the Mona Campus, Jamaica on the schedule, so that those who depend on us for dental care can get that dental care. This helps us to strengthen our health sector response, it is a fulfilment of our non-communicable diseases mandate and we want to use and employ our nationals in public service.

And, Madam Speaker, it will help a long way in what we have been saying at the Ministry of Health. It adds to the culture change that is taking place in the Ministry of Health. Recently you would have heard Dr. David Chen, up at Eric Williams Medical Sciences Complex say he has been waiting 20 years for a culture change at Eric Williams Medical Sciences Complex and he is now seeing it. We have had 28 dentists in the public health sector for 20 years. We want to change that. So, Madam Speaker, with those few words, I beg to move. [*Desk thumping*]

*Question Proposed.*

**Mr. Fazal Karim** (*Chaguanas East*): [*Desk thumping*] Thank you very much, Madam Speaker. As I begin my contribution this evening, I want to take this opportunity to join with the rest of my colleagues in wishing all Members of this House a very happy new year, including of course the parliamentary staff and our security personnel.

Madam Speaker, I listened to my colleague, the hon. Minister of Health, the Member for St. Joseph and I was getting the impression at one time that there is a word that those on the other side, my colleagues, hon. Members use towards us and that word is “un-patriotic”—

**Hon. Member:** Truth.

**Mr. F. Karim:**—and I was wondering after I listened to him about making that case for the Mona school, and more particularly for the Trinidad and Tobago graduates of the Mona Dental School and even to some extent, condescending in terms of letters he would have received from practising dentists at the Dental Council of Trinidad and Tobago. How unpatriotic that could have been. [*Desk thumping*] And I mean no discourtesy to the Member, he knows the kind of person I am and he knows I am going to present the facts of the matter.

Madam Speaker, I want to make reference to some of the points that he has raised. He says that this is an amendment to include one dental school that is the UWI Mona Dental School. He says that in terms of the St. Augustine Dental

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School, he admits that there is a difference in terms of the curriculum of that dental school, and the basic difference in the two curricula, or some people will call it curriculum, but we will say curricula is the quantum of years they spend—

**Hon. Member:** I never said that—

**Mr. F. Karim:** No, I am saying that the two—I am saying, he made reference to the fact that there may have been a difference in terms of the delivery of the programme. I want to make it very clear, for my very good friend, when he speaks about accreditation, there are many types, but I will give you two basic types: one is called programme accreditation and one is institutional accreditation. And the programme accreditation that he spent a lot of time speaking about was one that was directed by CAAM-HP. And they give programme accreditation. They do not offer institutional accreditation. [*Desk thumping*]

Institutional accreditation is basically done by the resident accreditation authority in the country. And in the case of Trinidad and Tobago accreditation institutionally is administered through the Accreditation Council of Trinidad and Tobago, which has accredited the University of the West Indies, St. Augustine Campus. And I dare say, Madam Speaker, that up until 2015 certainly under my watch and the watch of the People's Partnership led by Mrs. Kamla Persad-Bissessar would have accredited 12 institutions in Trinidad and Tobago, [*Desk thumping*] 12. You know how many institutes were accredited for the last two years? One, and that one is the University of the West Indies, (UWI), Roytec, which would have been long established in terms of its own entity, but affiliated recently through the University of the West Indies and that accreditation process started before 2016.

I want to also indicate in terms of the relevance to the topic in terms of the debate, that the hon. Minister, Member for St. Joseph indicated that the situation with respect to the Mona Campus, the dental school was predicated as well on the CSME. And we know for a fact that one of the tenets of the CSME has to do with the mobility, the free movement, of goods and services and particular types of skill sets.

Madam Speaker, let me say that we on this side have absolutely no problem with our students pursuing studies, through the GATE Programme in Mona, Jamaica or Cave Hill, Barbados or the Open Campus wherever it is resident. But I want to give you—you will not believe this, I want to tell you as I am talking about—I am going to come back to my friend, how he moved from accreditation to other things and back to accreditation.

The Mona Campus, the School of Dentistry, the fee to attend that school per year is US \$28,000.

**Hon. Member:** What.

**Mr. F. Karim:** You multiply that by five years, I see the hon. Prime Minister is looking at him, because he himself knows that he went to Mona, Jamaica, and he spoke with the GATE students there. And he was very compassionate to the students and I read the conversation.

Madam Speaker, the cost, the annual cost per year of a dentistry student at St. Augustine is TT \$75,000, and we are talking about a time when foreign exchange is scarce and so on, and so on. I want to make it very clear, again I want to return to the difference in the curriculum. There is a difference in the curriculum and I understand, I am overhearing my friend the hon. Minister of Education, what is the point? All right, and the point is this; that we are making a case for students from Jamaica and the question we have to ask ourselves: Are we talking only about Trinidad and Tobago students as he has said? Then why are you not talking about Trinidad and Tobago students studying in other places?

Madam Speaker, if you look at the approved list of dental schools since 1998 or whenever this—1990 that list has not changed. It has remained the same and you know what, Madam Speaker? The School of Dentistry in St. Augustine, Mount Hope to be exact, they are having consultations, deliberations and joint projects with universities abroad, through one of their professors here, in Cork, Ireland. And that school is not even recognized.

I am raising the point again, in terms of the cost as my colleague the Member for Arima raised. And with respect to cost, one of the things we wanted to do and we were in the process of doing, is to harmonize the various campuses of the University of the West Indies. Why should there be this vast divide and difference in terms of the cost of tuition? You could measure it in terms of economic costs. But very importantly if we have students who are pursuing studies at any of the four campuses, why is it impossible to have a harmonized degree? [*Desk thumping*] Why is it?

And for my friend, the Member for Arima, he knows very well what I am going to say. Because he attends F&GPC meetings of the University of the West Indies, he also attends the council meetings of UWI and at those meetings you have a Professor Alan Cobby, who is the chairman of BUS, the Board of Undergraduate Studies. It would be very good for my friend the hon. Minister of Health, to seek to move expeditiously as he is moving to include the Mona Campus, School of Dentistry, and we have no problems at all about it.

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But I want to raise some matters for his consideration. To move together with his colleague, the hon. Minister of Education, who will be able to articulate the position of Trinidad and Tobago, our government and our people and our students to harmonize this qualification such that had it been harmonized there would have been no use for us to be here discussing this matter. [*Desk thumping*]

**7.00 p.m.**

The Act says so. The Act gives the Minister the authority to review, in fact, one of the amendments to review the curriculum. Now you might say, well, it was a five-year period and you all were there, the usual story, passing the blame, passing the buck, and I know that might probably come up in his summary, but we want to engage, we have to stop this blame game. [*Desk thumping*] We have to see, we have to look at the entire ethos of Trinidad and Tobago. Madam Speaker, just for the records, it would be useful for us to note that that list, the current schedule of schools that I spoke about, comprises the following: a total of 88 schools, including one from Trinidad, the St. Augustine campus; 60 from the United States of America; 10 schools from Canada, and 17 schools from the United Kingdom, that list has not been updated.

It would be useful for the hon. Minister of Health as well, as he is moving expeditiously to add one more school, just one, how do we know—Members on the other side, my colleagues, do you know that you can come from any of these schools that I have just mentioned and not do any examination in Trinidad and Tobago, not do any internship in Trinidad and Tobago, the vocational training for one year, hon. Prime Minister, and you simply register with the Dental Council and you practise. Is that equity? What is happening to our students? Why are our nationals in Trinidad and Tobago being asked to do a one-year vocational programme in addition to the five and you simply went to any university that we do not know in its entirety and its details, and we have never, I suspect, even enquired, and even investigated about their quality of accreditation. That cannot be equity, that cannot be right, and, therefore, we must go beyond simply saying one school.

Let me give you another example, Madam Speaker. We talk about CSME, in the case of the Caribbean, next door right here, one hour flight, in Guyana there is the Cheddi Jagan Dental School. A low cost, in the public service you pay something small, like they pay as well at Mount Hope. Through the University of the West Indies you pay a small fee, of course through the polyclinic of the RHA you do not pay. They see, on the average, 200 patients a day. We also see up here at Mount Hope, at the two clinics, approximately 50 each. The point I am making



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to you, Madam Speaker, is that if you are opening up the system, let us open it up. [*Desk thumping*] Let there be equality across the board, and CAAM-HP is also in the process. There is a committee headed by the acting director of our dental school that is looking at the Guyana situation as well. So if you are talking about CSME, if you are talking about the movement of people and skills and opportunities, while we are including Jamaica—and I have no objections to include it, but there are some concerns I want to raise here—let us open it further to the rest of CARICOM. [*Desk thumping*]

Madam Speaker, I want to raise a matter, or to respond, rather, to a matter that my friend, the hon. Minister of Health, raised, and he said words to the fact, he was giving a comparison of the accreditation of the two dental schools, the one in Mona, Jamaica, and the one in Trinidad and Tobago. And he used the words—you said that it was critical—I do not know if you remember those words—it was critical, that we were talking about what was happening in the case of St. Augustine. What are you saying about our own campus in Trinidad and Tobago, our campus in Mona? And he is saying CAAM-HP, and I am going to read, Madam Speaker, with your permission, what CAAM-HP has here, and I have the document before me. It is always important for you to be careful what you say in case you did not read from the document. Madam Speaker, with your permission I would like to read what is here from CAAM-HP.

July, the University of the West Indies, School of Dentistry, accreditation on probation—this is what my colleague mentioned—2016 to 2018, July 2017, update. [*Interruption*]

**Hon. Member:** Which campus is this?

**Mr. F. Karim:** St. Augustine.

“The 2017 progress report from the UWI School of Dentistry, St. Augustine was presented to the CAAM-HP at its meeting held July 20-22, 2017. The Authority considered and accepted the progress report noting the significant progress being made in areas of the management structure of the school”—as my friend read—“infrastructure developments, and the refurbishment of the Polyclinic. The Authority noted that the next full accreditation”—as was mentioned—“visit is due in 2018.”

I want to go on to the next part with your permission:

“July 2016 Update: Accreditation and Probation extended, 2016/2018”

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And I read:

“The CAAM-HP at its meeting held in July 27-29, 2016, considered and accepted the progress reports of December 2015, and May 2016 in response to CAAM-HP’s letter of July 25, 2015, as well as the report of the October 2014 site visit.”

This is the same paragraph I am reading, I am going on to a next line. The next line:

“The Authority noted efforts to address some issues...”

No “critical” there. There is no word marked “critical” in this, I can present it publicly.

“...identified in its July 25, 2015, letter. However, significant concerns remain.”

Nothing mentioned about that word “critical”, which in the English language to my knowledge has a different connotation to “critical”. And I want to read, I have the document—and my colleague is asking, what is the point? The point I am making is, I will never say that you are misleading the House. [*Desk thumping*] I am saying that you said that they were critical. You compared the St. Augustine dental school and you said it was critical factors, and I am saying you did not use the word “significant”. He used the word “critical”; I wrote it down here. I wrote it here. I wrote it down, and you could check the *Hansard*. When you are quoting, when you are reading—[*Interruption*]

**Mr. Deyalsingh:** It is from the website.

**Mr. F. Karim:**—you must read—I am reading from the same site, look it here. I am not going to display it without your permission, and, therefore, I want to read the last paragraph. I have a lot of regard for my colleague on the other side; I am never going to say he misled the House. All I am going to tell you is, I am reading and the words are not the same.

This is the final:

“The Authority decided to extend Accreditation on Probation for two years...”—and so on, and so on, and so on.

And I am saying, this is the document that you made mention of. Madam Speaker, I want to go back to this whole issue about the accreditation. I made mention of the fact—I am reading, I am listening again to my colleague on the

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other side, hon. Prime Minister, I am reading the most up-to-date information. [*Desk thumping*] I am not one who will stand here and mislead, I will give you a copy of it. [*Crosstalk*] You want me to quote the site?

**Mr. Al-Rawi:** Yeah. Yeah.

**Mr. F. Karim:** All right, [www.caam-hp.org/assessedprogrammes.html](http://www.caam-hp.org/assessedprogrammes.html), and the date of the report as I was reading is 2016/2018. There is no specific date, it is here recorded. Anyway, Madam Speaker, I want to move on to my other points, and I indicated as well that in the case of Trinidad and Tobago we have institutional accreditation provided by the Accreditation Council of Trinidad and Tobago. In the case—[*Interruption*] you know, I do not want to be distracted.

**Madam Speaker:** Hon. Members, I would ask you all to observe Standing Order 53. Any Member who wishes to join the debate will be afforded an opportunity at the right time. Please continue, Member for Chaguanas East.

**Mr. F. Karim:** Thank you very much, Madam Speaker. You know, Madam Speaker, I am not the uncharitable type to say to any of my colleagues next door, you are talking “stupidness”. I find that is very inadequate for any one of us to so indicate. If it is that you disagree or you have another point, you will have an opportunity when you are summing up to [*Desk thumping*] make your statement.

Madam Speaker, I want to also mention—I am very much aware of what I am saying, you know—in the case of institutional accreditation for the Mona campus, and particularly the dental school, it is offered by the UCI. And what is the UCI? It is the University Council of Jamaica that accredits TLIs. What are TLIs? Tertiary Level Institutions. So both schools are accredited by their resident accreditation council, while CAAM-HP will accredit the programme. [*Desk thumping*] Madam Speaker, I was very involved in the operation of my Ministry.

**Hon. Member:** “Hmm.”

**Mr. F. Karim:** Somebody say, “hmm”. I would not answer you.

**Madam Speaker:** Members, we all understand in this arena there is a certain amount of banter. Member for Chaguanas East, I would ask you to direct your contribution here, not to be distracted. Please continue.

**Mr. F. Karim:** Thank you very much, Madam Speaker. You know, I will repeat to the “hmm” that I was very involved in my Ministry’s operations, and I could say that because I can stand here and speak without any form of documentation of any operation in my Ministry, [*Desk thumping*] and I do not have to sacrifice tea and water to make sure. [*Desk thumping*]

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The point I was going to make is that we are talking about accreditation, Madam Speaker, I do not know if those on the other side are aware, but in 2012 the University of the West Indies, Faculty of Medical Sciences—and my colleague, the Member for Arima, can disprove or prove this correct—from the very same CAAM-HP, was facing de-accreditation of the medical faculty in Trinidad and Tobago. And one of the reasons why they were facing that potential for de-accreditation, could you imagine the consequence of that de-accreditation for our students and for our country, and we are coming here to talk about another school. I am patriotic to our country. [*Desk thumping*] I am patriotic to this country and to the programmes. I am proud. I am a proud graduate of the University of the West Indies, as many of us are here, and what we had to do, one of the reasons why—it is just like we have here in terms of the accreditation report—Madam Speaker, that we were facing that potential for de-accreditation was the absence of a student activity centre and facilities. And I want to say that under my watch as Minister, we constructed, completed for \$12.5 million the student activity centre at Mount Hope, and we are able to continue with the accreditation of that institution.

Madam Speaker, I do not know if some of my colleagues are aware, but we must have this level of equity. I asked my colleague who is speaking about the Mona school, and I indicated that we are going to support it but ensure that there is a harmonized curriculum. Curriculum competence, curriculum efficiency, curriculum delivery, the taxonomies of learning will be very critical and important if we were to have a harmonized curriculum. We cannot as a regional institution continue to have differences and dichotomies when we are issuing the same qualifications. I am saying that because I want to ask my friend who is promoting the Mona school, and we accept that over here, let him find out whether the Dental Council in Jamaica allows a Trinidadian qualified dentist to go into Jamaica and to practise without doing any examination. I want to tell you as well, Madam Speaker, I want to come to the point about the vacancies in the dental sector but I want to tell you what obtains. When you would have completed, you can either in Trinidad and Tobago complete the one-year vocational, or choose to write the dental exam administered by the Dental Council at a cost of TT \$10,000, but I indicated to you, Madam Speaker, that the foreign graduates from the schools listed, 80-something schools, they do not have to do that, and the question is, why.

We must go outside and nobody from Trinidad and Tobago who went through that dental school could go in the United States or go to Canada, or go to the United Kingdom and practise, you have to go through the examination system to

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get your registration. I want to just indicate for the records what happens in the case of Jamaica, but we are talking about the Jamaican case, and I am talking about harmonization, and I want to again strongly recommend that urgent attention be paid through the University of the West Indies. I am sure my colleague is capable of doing that with the Minister of Health and the two dental schools, and the two dental councils to harmonize.

Madam Speaker, would you believe that those persons in Jamaica who are graduating from the Mona, Jamaica, dental school they do an examination, a dental examination administered by a US-based examination system. I want to tell you what it is, graduates write the ADEX Dental Examination administration by the CDCA, the Commission on Dental Competency Assessments, and you must do that to practise in Jamaica, even though you are a graduate of UWI, Mona. What is the foreign exam we are doing here? You do your exams right here in St. Augustine or Mount Hope, and you do your one-year internship and you are ready to go. We do not have to use any foreign exchange like Jamaica to exit the national economy, to write an exam administered by a US-based organization, to practise in the country in which you studied. I want to come back to it because I want to link what I am saying.

I want to know whether our Trinidad and Tobago students also have to do that because of the CSME and reciprocity before they could practise in Jamaica. Is that equity? I want to tell you what it costs, Madam Speaker, that exam costs on the average, US \$2,085, TT \$14,000. And, you know what, Madam Speaker, I have the notes here, the Jamaican Dental Council has no approved list of any schools from any part of the world. They do not even have the dental school from the UWI, St. Augustine, as we are doing now that we want to include Mona, Jamaica, and I am all for regionalism. Madam Speaker, I have some notes but from memory I will try to respond. The hon. Minister of Health indicated that there were so many vacancies to be filled in the public dental sector, Madam Speaker, with what level of authority or assurance, or conviction or confidence my colleague from St. Joseph is speaking for us to verify or to ensure that the graduates of this Mona dental school will come into the public service in Trinidad and Tobago? What assurance do we have?

Madam Speaker, it might surprise you to know that some of our scholarship graduates from the dental school could not have found jobs in the public service in Trinidad and Tobago. And, you know, because I had first-hand information about this as the former Minister, if you are a national scholarship winner from Trinidad and Tobago, you have been paid for at all your education wherever, and

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I am not only talking about St. Augustine here, or Mona, or whatever have you, anywhere in the world, and you come back to Trinidad and Tobago and you cannot get a job in six months, you are no longer bound by the agreement to work in this country. And we are talking about the brain drain, we are talking about investing in people who leave our shores, Madam Speaker, I want to ask the hon. Minister when he is winding up to tell us, all of these persons, have you done the labour market survey? Have you seen to what extent there is a saturation of the amount of dentists in this country?

You are talking about the public service has shortages, people are losing their jobs in the public service daily, [*Desk thumping*] and you know what is being done to ensure that happens, contracts are not being renewed, expenditure is being slashed. Madam Speaker, I have said before, those who do not have a job will never know what it is to be without one. You look well, we dress up well, I can tell you about that but at another time, but the point I am making to you is, have we seen advertisements for dentists through the public service? Could you tell us? We built something called the CWRD, the Centre for Workforce Research and Development, and I am sure my colleague, the hon. Minister of Education, Member for Arima, knows about it, and that was constructed in collaboration with the world famous Georgetown University in Washington DC, the Centre for Education and the Workforce, headed by a Trinidadian, to do what, to give us real-time job market information.

Madam Speaker, do you know what I had in mind, the concept that I was—  
[*Interruption*]

**Madam Speaker:** Member for Chaguanas East, your original 30 minutes are now spent. You are entitled to 15 more minutes if continuing.

**Mr. F. Karim:** Thank you very much, Madam Speaker. Madam Speaker, I was talking about the CWRD, and I will make reference to what is absent in this country. We talk about vacancies, and that centre that we had built and constructed—it is on the St. Augustine campus—what I had in my mind was just as you sit in front of your television every night and you look at the weather report. I hope my friends on the other side will take a note of it and maybe implement it, that we have something called the jobs report. What is the jobs report? Just as you are saying you have so many vacancies in the dental health sector, why could you not have been advertising those instead of trying to rebut? And I want to say that the Act talks about the Minister in consultation with the Dental Council, not in admonition with or of or to, or not in conversation with, there must be true consultation.

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Therefore, Madam Speaker, I now come to the point in terms of the CWRD and the jobs report. I asked the hon. Minister to ask the relevant Minister and his colleagues on that side to show him Trinidad and Tobago's national needs list. The last time we saw one was in 2015, and I have been asking for this. How will our boys and girls, our men and women, our students—what about the areas of specialty in terms of dental care? What are we training for? Is it only DDS? Is it only at that undergraduate level? What about the specialization level? And therefore, it is important for us to connect that. Madam Speaker, I was almost going to begin any contribution with a comment that my friend made, and he said, you know, that what we are doing here, and some of the things he itemized was a manifesto promise.

Madam Speaker, the country now is saying that what you all promised us in 2015 that you were ready, that you spent five years, if you read the front pages of the manifesto of the People's National Movement you will see it says, among other things, words to the effect that we spent a number of years, or we spent the last five years looking at this country and preparing for governance, to determine the programmes and policies. And, therefore, I want to say, like someone said the other day on a television programme, your time is up. [*Desk thumping*] Your time is up because you have failed to deliver on your promises. He is talking about oral hygiene, and so on. Some of these health centres, you pass by them in the evening, they are closed at four o'clock. And he might ask me, well, which one, I will tell him which one too—and we will ask the question, there are many health centres where you do not have sufficient personnel to man these health centres.

Madam Speaker, it pains me to know, sometimes when you go at a health centre, they transfer you to a next one, and by the time you reach the next one “yuh dead”. We are talking about CDAP, and I am not talking here in terms of fabrication of stories, I am telling you life stories. You will see what is happening, people cannot get CDAP drugs in this country. [*Interruption*]

**Madam Speaker:** Member, we are not taking about general health care, so, please, keep it to the order, please.

**Mr. F. Karim:** Thank you very much. And, you know, Madam Speaker, I was at the point of talking about oral hygiene and the drugs that are necessary for us to maintain a good level of oral hygiene. And, therefore, while we look at the situation and we know that is a burden on the poor and the indigent, we are talking about people who must have good nutritional values to have good teeth, but we are seeing now that they might be the potential of cuts, even in the School Feeding Programme. While I am not directly going in that direction, I am making

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the connection that the nutritional values, if not properly serviced to our young children in this country it is going to lead to teeth decay and dental problems, and we will have to fix some of those things at more expense.

Madam Speaker, there is a lot more that I wanted to deal with but I just want to go quickly in terms of some of the recommendations. I think it is important, as I go into the last part of my contribution, to indicate some of the things that are necessary. Among the recommendations I would like to suggest for my colleague to consider is that we move quickly and expeditiously, even in terms of an independent third party to assess the DDS curriculum at both St. Augustine and Mona, Jamaica. I want to also ask that in collaboration and consultation with the Dental Council that we examine the validity of the schools that have been there for almost 37 years on that list, and we see whether it is important for us to add other schools.

Madam Speaker, if you google and you look at some of the 10 top dental schools in the world, many of them are not on that list, and we are talking about current investigative reporting in terms of the top dental schools. I think one of the things that we will want to also focus on is how do we attract foreign students. We are talking about a time of the dental schools, and we are looking at the Mona school, and I want to tell you, Madam Speaker, currently we have about six students, six Trinidad and Tobago students at the Mona dental school. Therefore, I want to also indicate that we had every intention, and we delivered on our intention—and the reality will be very soon when the hon. Minister of Health, I am sure, will preside over the opening of this facility I am going to talk about. One of the reasons why we are expanding the facility at Mount Hope was particularly in terms of what my colleague raised in terms of ensuring that we had an expanded dental health service where many more graduates would be able to take care of those persons he mentioned.

Madam Speaker, I want to also indicate that on the 15<sup>th</sup> of May, 2015, I had the pleasure of turning the sod right here at Mount Hope at the dental school for the expansion of the dental school. [*Desk thumping*] This was at a cost of \$28.6 million. Madam Speaker, I think it is important that I give the information because it is connected, and he spoke about the accreditation of the dental school in Trinidad and he spoke about the accreditation of the dental school in Mona. So it is important for us to also, just as you alerted the national community, for the country to know what we were doing with respect to dentistry at the St. Augustine campus, and particularly in terms of CAAM-HP and the future accreditation process. Many concerns were raised about the lack of space, infrastructure, even



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in terms of power. There are certain concerns right at that dental school there at the RHA, North-Central Regional Health Authority, where concerns are not being addressed for whatever reason, whether it is in terms of the ability to, the lack of personnel or the lack of money. Well, in terms of the facility, the \$28.6 million allocated to the expansion, that is expected to increase from 30 to 70 students per year. It is a two-storey building, Madam Speaker, of 26,000-plus square feet, and it will impress you to know, it has four lecture rooms, 85 seats per room, and four seminar rooms with 25 seats.

Madam Speaker, when that is completed we will have another state-of-the-art expanded dental school in Trinidad and Tobago.

**7.30 p.m.**

In the last few minutes that I have remaining I want to also raise the matter of the lack of stipends, the removal of students' stipends. Comparison was made by my friend, my colleague the Member for St. Joseph, the hon. Minister of Health with respect to the difference, or he made some comparison with the two programmes in Mona, Jamaica and St. Augustine. I do not know how many people know, but that one-year vocational programme post the five-year is so critically important for our graduates to get important and valuable skills training to build their ability and their capacity and their talent for competence.

I do not know if you would know, and if the country would realize, but recently there was a reversal. Students who are now on that vocational programme are no longer being paid their stipend of approximately \$3,000 I think a month. What the University of the West Indies is saying, and again it could be proven, they are saying that we do not have money to pay the stipends. If you want to pursue the vocational training for a year, you must pay for it. So we are asking our students here to pay for an additional year of vocational training. If you do not pursue the vocational training, you have to find \$10,000 to write the examination.

Therefore, I think it is important as I conclude in a sense, to indicate some of the concerns that were also raised by the very dental council. I want to raise these concerns by the dental council, which I have here. My friend made reference to the dental council, and they said:

The dental council seeks the Minister's support for necessary amendments to the Dental Profession Act in particular, one, the revocation of the list of dental schools in the schedule. That is, you should not have the inequity of listing dental

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schools to the extent where you could go to any dental school in the UK, in Canada, in Ireland, wherever have you, and you could simply walk into Trinidad and Tobago, and fill out a form. Madam Speaker, as an attorney yourself, if I show you the form that they have to fill out here for good character. It simply says it is a form of good character, and I know you. I could read it out. The Act is so antiquated, it does not even speak, in this modern day and age, of a police certificate of good character. It says I know you and you sign, and “you good to go”.

I want to also indicate, secondly, the widening council powers under S29 dealing with persons found guilty of unprofessional conduct. Thirdly, giving the council power to prescribe and enforce ongoing continuing education. What is wrong with continuing education? Fourthly, making clear that the council has the power to initiate its own investigations into alleged acts of improper and unprofessional conduct. You have the dental council, they are asking for all of these. Providing indemnification and so on, protection against members—well those are in terms of disciplinary action. But the point I wanted to make is that these are some of the things that are critically important if we want to have an effective and efficient dental health system.

Madam Speaker, with these few words I wish to conclude by saying that we support the inclusion of the Mona Dental School but, however, all of the issues I raised, we would like to ask you to consider them, and to make sure that there is the equity across the campuses, and therefore we move expeditiously to remove any inequity in terms of students from Jamaica, or graduates. They must fulfil the same requirements as our students in Trinidad and Tobago.

I thank you.

#### PROCEDURAL MOTION

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. In accordance with Standing Order 15(5), I beg to move that the House continue to sit until the completion of the business before it today.

*Question put and agreed to.*

#### DENTAL PROFESSION (AMENDMENT TO THE SCHEDULE) ORDER, 2017

**The Minister of State in the Ministry of Education (Hon. Dr. Lovell Francis):** Good evening, Madam Speaker. Good evening to Members of the

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House on both sides. I will not be the first to do it in this session, but it would be remiss of me not to wish all Members, including the Chair, all workers of the Parliament, a happy new year and all the best for 2018.

Madam Speaker, during the two years of my tenure here, I have listened to and participated in a few Motions. This is not the first Motion since we have been here. I am sure for the next two-plus years, there will be a number of other Motions. Some would be more complex than others. Some would require greater ventilation, more discussion, more complex arguments. This is not a Motion that falls into that category.

The Minister of Health has brought forward a very simple Motion that seeks to ensure that dental students, primarily locals who study at the Mona campus of the UWI, are allowed to practise what they have learned after their period of study in Trinidad. It is remarkably straightforward, but listening to my colleague who just went before me, the Member for Chaguanas East, I was wondering if he heard the same Motion that was raised by the Member for St. Joseph.

And listening to him brought back some of the worst memories I had of being an academic where, after teaching for a semester, and I lost a colleague last evening, Dr. John Campbell, we managed a course called—*[Interruption]* yes, he died—Caribbean Civilization, together, one of the foundation courses at UWI, and we had every semester thousands of students. And regardless of what you taught or how effectively you taught, when it came time to mark those essays, there would always be those students who would write very long and winding answers, but not to questions that you asked, but to questions of their imagination.

It is very ironic for the Member for Chaguanas East to stand and proclaim very clearly that he is in support of the Motion itself, the central idea of the Motion, and then try to nit-pick and find all these ancillary and tangential reasons to make a fuss about.

The Motion is very simple, and in some ways, if you think about it critically, it rights a very ironic wrong. It would be very ironic for the Government of Trinidad and Tobago to expend public funding, and as the Member has rightly noted, significant public funding, to allow for the training of local students at a foreign university, and then at the end of it, after having studied for five years, that they not be allowed to practise what they have learnt, in Trinidad, especially given the fact that your education was funded with public money. That would be a situation far too ironic.

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So if one thinks about it critically, this Government is making a move that really should have been made before, allowing students who have been educated out of the public purse to use their education to the benefit of the society that decided to spend on their education. That seems to me logical. It seems to me very commonsensical.

Added to that, the Member for St. Joseph made a very critical observation. He talked about rural access to dentistry, and for me that is very critical because it has been well discussed by me, far too many times, that I come from a very rural community, and that has had a traditionally interesting way of looking at dentistry and dental services.

I remember my first year as an MP going to a community meeting and listening to the constituents as to all of the things they would like to see done to improve their lives and livelihoods in the community. And of course they would talk about the things that are most expected, most mundane. They want roads, they want infrastructure, they want water, they want community centres; all of the things that they expect to be provided by the State. And in the midst of that milieu, one resident shouts out he wants a dentist, and given the nature of his dental work, to be polite, and given the manner in which he shouted out, it was seen as something to be derided, so everybody began to laugh. But he was pointing to a fact that is a not too well hidden secret in the rural communities.

For example, if you grew up in Moruga and you get ill, it is normal that your parents would expend, if the idea of going to a public institution becomes or is too much of a hassle, if you have to go and sit there and wait and then you are not sure if the doctor is going to come, if they are going to come on time, if there is going to be drugs, if you are going to get the kind of service that you would like to get as a citizen, it is customary for parents, even those who are not so well-to-do, to expend the sums required to get you private medical attention. It is not normally the case that that happens with dentistry or treating with one's dental health.

It is more often the norm that the same parent who would make the sacrifice to expend the sums to get you private medical care, would not do the same to get you private dental work. It is not the same. So whereas medical care might be seen as a necessity that requires expenditure, getting that kind of dental care as a child, even as an adult for many people is still something of a luxury. And given the fact that most rural health centres, for example the one in Moruga, it is not the case that you would have a dentist visiting regularly, if at all, most rural people do not get the kind of dental care that they need.

And the Minister of Health pointed to a very small number, 28 dentists in the public health sector for 20 years. How far do they extend? How does one spread that number to ensure that there is maximum coverage? So people in rural communities like mine are generally not going to be privy, and have not been privy perhaps for those 20 years, to accessing dental care in a public health situation.

If you are not well-to-do, the odds of you being able to afford dentistry or going to a dentist, for example, in Princes Town or San Fernando, where a very routine procedure that might take for a dentist a matter of minutes, like a cleaning or polishing, would cost you maybe \$600 or \$1,000. The typical rural person cannot afford that. For them that is a luxury, for them that is often a bridge too far.

So if it is that the Government can by some mechanism incentivize or encourage the recruitment of nationals who have, I will maintain again, been educated out of the public purse, to come back home and add to that meagre cadre of public dentists, thereby ensuring that many people who today would not be able to access the services, that they would have a greater chance of doing so, then that should be something that anyone who would like to deem himself or herself as patriotic would encourage.

Now, I take seriously the response of the Member for Chaguanas East, that as a Minister he understood very well the workings of his Ministry. I have had numerous conversations with him, and I can verify that. He did understand and had a great concern with that, but even in understanding broadly and finely, it is often possible to forget critical details. He made a very important distinction between the degree offered by Mount Hope and the degree offered by Mona in terms of dentistry, and it is a rational discussion. But he may have forgotten in the midst of that, that the ACTT which accredits institutions and programmes and courses here, also has other functions, for example it vets foreign degrees. So if there is some concern that there is a difference in quality in terms of a dental degree from UWI, St. Augustine, as opposed to a dental degree from Mona, Madam Speaker, it is not difficult for the ACTT, as part of its normal mechanism, to ensure that there is no quality differential, to ensure that there is parity.

Aside from accrediting locally, the ACTT normally vets foreign degrees. This is something that they do routinely. So any concerns in terms of that area can be cleared up very easily. The Member for Chaguanas East I am very sure understands that very well.

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Madam Speaker, the Member for Chaguanas East mentioned that he is a regionalist; he believes in regionalism. I too am a regionalist, “doh” mind, notwithstanding the fact that some of what he was saying was a bit parochial. So Trinidadians are doing this, the Jamaicans are not doing it. There is nothing wrong with being a trailblazer, Member for St. Joseph. You should be commended for being at the front of the class and not derided for doing something that is showing some level of leadership in terms of health in the nation and in the region.

It cannot be that if as a region which at one point was moving towards a closer unity, and is still grappling with the idea how many decades after independence, where we have few fundamental institutions, and we could count them literally on one hand, that speak to our desire, which still rests in our hearts and in our brains, to a greater Caribbean unity, West Indies cricket which is now breaking our hearts, but the UWI which still stands as a beacon of quality and still symbolizes that regionalist ethos, we cannot then logically say we are regionalist then want to pick nits about Trinidad doing this and Jamaica not doing that. It is a hypocritical argument.

Madam Speaker, this is not a Motion that requires me to be very lengthy. Sometimes brevity is the soul of wit and sometimes there are somethings that are straightforward, that are slam dunks, even as sometimes like my friend across the aisle, you missed the dunk entirely. This is a Motion that should be supported. It provides us a need, it provides us a want, it makes us leaders in terms of health and dentistry in the Caribbean. We cannot argue that, okay it is too narrow and we should have maybe considered more institutions. And I am sure, absolutely sure, that if the Minister of Health had come here with a long list of institutions to be added, the argument would have been, no it is too broad, we are doing too much at the same time—really.

It is the case that this might be a good first step, and I am sure if the need arises he can come back with another Motion in his name and add to this list. I am happy as a person from a rural community who understands that issue of dentistry, as it refers to a number of areas in this country, and to people in other socioeconomic backgrounds that sometimes have difficulties accessing these services, what this can potentially mean to them.

Madam Speaker, I am very happy to stand in support of the Member for St. Joseph, and I lend my support to this Motion. Thank you very much.

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. I rise to wrap up, and I sincerely thank the Member for Chaguanas East for his contribution. It continually amazes us on this side—continually—how a simple Motion cannot escape opposition. It is the People’s National Movement under the then Minister of Tertiary Education, I think, that set up the Accreditation Council. And it always amazes me that colleagues opposite cannot resist the temptation to say what they did.

This is a simple Motion to add UWI campus Mona on the Schedule. But we had to hear about how the Member for Chaguanas East when he was in Government put Roytec; had absolutely nothing to do with the debate. He spoke about fees, he spoke about curriculum differences, he spoke about harmonization. Again, he said we are going to say, “Well, why did you not do it?” And the question is, you were there for five years, why did you not do it? You had money. You had 20—how many seats they had?—29 seats in the Parliament. You had 29 seats in the Parliament. You had money. You were there for five years, but you sought to make a political football out of a simple issue. And yes, you are right. Why did you not do it? [*Desk thumping*] Why did you not do it?

Madam Speaker, the Member for Chaguanas East chided me for talking about accreditation, the difference between programme and institutional, and CAAM-HP does one, CAAM-HP does not do the other. If you google CAAM-HP, the accreditation process adopted by the CAAM-HP has two general aims; not one, two: To certify that a medical education programme meets prescribed standards—so that is programme—and to promote institutional self-evaluation and improvement.

So when the Member for Chaguanas East said I was only speaking about programme accreditation, that is not the truth. The whole truth is CAAM-HP has two general aims: programme meeting certain prescribed standards and to promote institutional self-evaluation and improvement. That takes care of that.

Madam Speaker, he went on at length quoting CAAM-HP evaluations from 2014, 2015, 20-whatever, when I was referring to the latest one from July 2017. But he could not resist going back in time talking about evaluation reports, which have nothing to do with the issue before us. The evaluation report I was speaking to, hon. Member, was the latest one in July 2017.

He then went on to make a big issue about—this is my words now—whether I am ill-speaking the institutions about critical and non-critical. If one navigates the CAAM-HP website, under “Types of Accreditation”, you would see accreditation

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with conditions. This is not me speaking. This is not the PNM speaking. This is CAAM-HP speaking. What does “Accreditation with Conditions” mean? It is judged to be non-compliant with some non-critical standards. When you go on the same website, what does “Accreditation with Probation” mean? It talks about critical standards. Why?

You are somebody I have the utmost respect for you. I have the utmost respect for you. You are a gentleman.

**Hon. Member:** Who? Who?

**Hon. T. Deyalsingh:** No, he is, and a scholar. But the CAAM-HP website is clear; it has it. I did not make that up. Why would you deliberately mislead? I do not know.

**Mr. Hinds:** It is in their genes, the UNC genes.

**Hon. T. Deyalsingh:** So I have taken care of that.

Madam Speaker, I was also chided for putting the position of the dental council on the record. I said when I was piloting the Motion, and I go back to it again, it says here:

“*Whereas* it is provided by section 5A of the Dental Profession Act, Chap. 29:54...that the Minister may by Order, after consultation with the Council, amend the Schedule...”

I had to show—and I said it—I have to put on the *Hansard* that we consulted, but I also had a duty to put on the *Hansard* the results of the consultation. I think I owe it to the dental council that their position be recorded in the *Hansard*, and that was all I did. This was no attempt to ill speak the dental council, but that was made a big issue. We had to put on the record the results of the consultation, and the dental council had a particular position, as they are entitled to be consulted and we are here today after the consultation, after noting their reasons, which I think I have fully addressed. We are here today after the consultation process to put and amend the Schedule to include Mona, Jamaica.

My friend, the Member for Chaguanas East spoke about continuing education; why am I not pushing continuing education? Let me put on the record for the first time, I met with the dental council in December of 2017, which is just about a month ago. I have also been meeting with the TTMA, the Trinidad and Tobago Medical Association. Both associations are keen on the issue of continuing medical education. So what I indicated to the dental council, as recently as



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December 2017, I have absolutely no problem coming with an amendment to both Acts, the Dental Act and the Medical Act to address the issue of continuing medical education. But I said, why do you guys, the dental council, not cooperate with the TTMA so that we could come to the Parliament and amend both Acts at the same time, on the same issue, which is continuing medical education.

It was a position I put forward to Dr. Anil Seerattan and he was happy for my advice and my advocacy for the issue. So I hope when we do that and we come to this honourable House to do both amendments to the both Acts at the same time, we could have one debate. Because when we bring such debates to the Chamber they always want to have two separate debates. Let us join forces, amend both Acts, because I have suggested that we come—because I do not see the medical community as totally distinct from the dental community. Let us do both together.

I must say Dr. Anil Seerattan has accepted that position, and I am hoping to come with that position with the help of the Attorney General sometime in 2018. So that has been done.

Madam Speaker, there is not much more to reply. I think I have covered most of the areas that my friend raised. This is a very simple Motion, and I beg to move.

*Question put and agreed to.*

*Resolved:*

That the Dental Profession (Amendment to the Schedule) Order, 2017 be approved.

**8.00 p.m.**

**Madam Speaker:** Member for Naparima.

**FREEDOM OF INFORMATION (EXEMPTION) ORDER, 2017  
(ANNULMENT OF)**

**Mr. Rodney Charles** (*Naparima*): Thank you, Madam Speaker. Madam Speaker, I beg to move the following Motion standing in my name:

*Whereas* it is provided by Section 5(1)(c) of the Freedom of Information Act, Chap. 22:02, that the President may, by Order exempt public authorities from the application of the Act;

*And whereas* the Freedom of Information (Exemption) Order, 2017 was published on December 14, 2017 by Legal Notice No. 151;

*And whereas* this Order seeks to exempt the Strategic Services Agency from the application of the Freedom of Information Act;

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*And whereas* the proposed exemption will remove access to information by citizens, interest groups and the media, all of whom have an interest in the policies, rules and practices of the Strategic Services Agency inter alia;

*And whereas* this Order will directly affect the transparency, openness, accountability and the necessary checks and balances on all aspects of the operations of the Strategic Services Agency to avoid any potential misuse of office and/or abuse of power;

*Be it resolved* that the Freedom of Information (Exemption) Order, 2017 be annulled.

I beg to move.

**Madam Speaker:** Member for Pointe-a-Pierre.

**Mr. David Lee** (*Pointe-a-Pierre*): Madam Speaker, I beg to second this Motion and I reserve my right to speak.

*Question proposed.*

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Thank you very much, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** The Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker, for the shortest piloting of a Motion that I have ever seen in my life. [*Desk thumping*] The experience of those opposite is really commendable in piloting a Motion such as this. For the lost look on “meh” friend from Naparima, I suppose that everything he had to say and what he should have said when he was piloting before he said “I beg to move” will have to be reserved for your reply. Welcome to the Parliament of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, this Motion is going to be a very interesting one to respond to because all that is before the Parliament in terms of a piloting of this Motion is, in fact, that which was printed and is now Private Members’ Business. The implication in this particular debate, because there has been no advocacy for the Motion itself, is that the Freedom of Information Act should be considered specifically in respect of the President which in law means the Cabinet’s invocation of section 5 of the Freedom of Information Act, section 5(1)(c) that the President has, in fact, ordered the exemption of the Strategic Services Agency to be put into annulment. Let me try to clean that up because it is hard to lift it from the Motion.

The Motion seeks for the annulment of the Freedom of Information (Exemption) Order, 2017, and that is what the Opposition has come here to ask the Parliament to consider.

What is quite interesting, Madam Speaker, is that this Motion is built upon a premise of the Order proposing to exempt the SSA. The supposition on paper is that this exemption will remove access to information by citizens, interest groups, and the media, all of whom have an interest in the policies, rules and practices of the Strategic Services Agency.

The further supposition is that this Order will directly affect the transparency, openness, accountability and necessary checks and balances on all aspects of the operations of the SSA to avoid any potential misuse of the office and/or abuse of power.

Madam Speaker, I rise specifically to oppose the annulment of this Order and I do so, firstly, on the basis and strength of the legitimate aim and proportionality of the Order which has been issued by His Excellency the President at the direction of the Minister.

Specifically, Madam Speaker, two pieces of law fall for consideration. The first is the Freedom of Information Act, Chap. 22:02. That Freedom of Information Act is, of course, law pursuant to Act No. 26 of 1999; it was amended only twice. It was amended by Act No. 92 of 2000 and by Act No. 14 of 2003.

[MR. DEPUTY SPEAKER *in the Chair*]

The Freedom of Information Act in the object of the Act is very interesting for consideration in the proposal to annul this Motion. Section 3 of the Act really sets out the right of members of the public to access information in the possession of public authorities. The public authorities are invited to make available public information in their possession because there was created, by law, a general right of access which is specifically, Mr. Deputy Speaker, circumscribed by the limitation and exceptions expressed in section 3(1)(b) of the law.

Section 3(1)(b) specifically says that there are:

“...exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by public authorities.”

The law itself is one which is naturally inclined towards disclosure. When one looks to section 3 of the parent law, that is the Freedom of Information Act, there is the requirement at subsection 3(2) that:

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“The provisions of the Act shall be interpreted so as to further the object set out in section (1) and that any discretion conferred by the Act shall be exercised as far as possible so as to facilitate and promote promptly at the lowest reasonable cost, the disclosure of information.”

So there is in the object of the Act a natural bias towards disclosure. However, in resisting this Motion it is important to bear in mind that the balancing of rights in the State, the balancing of the perspective of a non-disclosure, is equally the subject of core focus in the legislation, particularly, Mr. Deputy Speaker, I would like to refer us to section 8 of the Freedom of Information Act, sorry, section 8 of the second piece of law which I said we should have regard to and that is the Strategic Services Agency Act.

Section 8 of the Strategic Services Agency Act says what is to happen in respect of disclosure made by officers of the SSA. And section 8 is instructive because it says:

“Subject to subsection (2), no employee of the Agency shall disclose any information obtained or accessible in the course of the performance of duties and functions under this Act unless so authorised by the Director.”

And then it says that, disclosure is permissible only for certain reasons. And those certain reasons are:

“(a) for the investigation...of serious crime,...for offences under the Dangerous Drugs Act...”

But it is subsection (3) of section 8 which is very instructive.

“Any person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for ten years.”

So the relevance of the SSA Act, section 8 in particular, is tied into the exemption provided under section 5(1) of the Freedom of Information Act which is the section by which the Order granted the exemption to the SSA. And specifically the premise which I now volunteer in my advocacy against this Motion is that the underpinning in the SSA Act is contrary to the underpinning in the Freedom of Information Act. Whereas I had just pointed out that the Freedom of Information Act in its object in section 3(2) has a natural bias towards disclosure, the SSA Act has the opposite and, in fact, criminalizes disclosure.

That is to be further amplified by section 5 of the SSA Act because it is in section 5 of the SSA Act that:

“(2) Every employee of the Agency shall, at the commencement of this duties with the Agency, take an oath of allegiance and secrecy stated in the Schedule.”

And that oath of allegiance set out at the Schedule is a very specific one which will allow that person, in fact, pursuant to the contractual provisions in the SSA to be dismissed or subjected to offences for breach of the oath.

So there are two competing rights. One, the Freedom of Information Act in its object saying, take a natural inclination to disclosure. And two, the SSA Act which says, if you disclose it is an offence and you must enter into an oath. But, Mr. Deputy Speaker, it goes further.

When one goes to the Freedom of Information Act and in particular when we look to Part IV of the Freedom of Information Act we notice that there are provisions passing between section 24 to section 35 of the Freedom of Information Act which cause us to find solace in the propriety of the Order issued providing for the exemption of the SSA from the provisions of the Freedom of Information Act. Let me translate that.

The Freedom of Information Act sets out in its objective in section 3 which I referred to a little while ago, the exemptions; the exemptions are found under Part IV of the legislation. The Freedom of Information Act sections 24 to 35 tell us: Cabinet documents are exempt; defence and security documents at section 25 are exempt; international relations documents at section 26 are exempt; internal working documents at section 27 are exempt; law enforcement documents at section 28 are exempt; documents affecting legal proceedings or subject to legal professional privilege at section 29 are exempt; documents affecting personal privacy at section 30 are exempt; documents relating to trade secrets at section 31 are exempt; documents containing material obtained in confidence are exempt; section 32, documents affecting the economy, commercial affairs, public authorities are exempt. Importantly, section 34, documents to which secrecy provisions apply are exempt. And very importantly, section 35, disclosure of exempt documents in public interest matters finds its place. Let me connect these now.

Mr. Deputy Speaker, in the Laws of Trinidad and Tobago we are in rather untested waters as it relates to the provisions of opening disclosure under the Freedom of Information Act specifically in security and intelligence matters. In

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the Laws of Trinidad and Tobago we have had very few examples in the courts of Trinidad and Tobago which speak to the boundaries for the application of exemptions that I have just referred to in sections 24 to 35 of the Freedom of Information Act.

This particular position is one which is, in fact, replicated in other countries of the world, and in particular it is noticeable that the experience in the Commonwealth countries which I will refer to in a short while demonstrates that there ought to be a proper exclusion of security information from the openness of the Freedom of Information Act. In particular, Mr. Deputy Speaker, what is very noteworthy is that the law as it stands right now pursuant to civil appeals in Trinidad and Tobago which stand as courts of record of the highest line so far speaking to the issue of freedom of information, these courts are currently in a state of flux. Very importantly, the section 35 exemption and consideration under the Freedom of Information Act is material to this debate.

Permit me, Mr. Deputy Speaker, therefore to refer to section 35. Section 35 of the Freedom of Information Act says:

“Notwithstanding any law to the contrary a public authority shall give access to an exempt document where there is reasonable evidence that significant—

- (a) abuse of authority or neglect in the performance of official duty; or
- (b) injustice to an individual; or
- (c) danger to the health or safety of an individual or of the public; or
- (d) unauthorised use of public funds, has or is likely to have occurred or in the circumstances giving access to the document is justified in the public interest having regard both to any benefit and to any damage that may arise from doing so.”

Mr. Deputy Speaker, it is noteworthy in particular that the latest judgment coming out of the Court of Appeal of Trinidad and Tobago in the *Ministry of Planning and Sustainable Development v the Joint Consultative Council* Civil Appeal No. P 2000 of 2014, Mr. Justice Beraux in leading the majority judgment in that case, there being a minority judgment, there being a dissenting judgment in the Court of Appeal, erred on the side of public disclosure. Now let me declare this and put this into context.

That concerned the allegation for non-disclosure of advice which was subject to legal professional privilege concerning what was in the public domain as the unlawful, how should I, disposition of the lands at UDECOTT and at Invaders Bay,

and there was a significant public scandal concerning the last Government's management of that.

Whilst politically I was quite happy to have that advice revealed, from a legal point of view, the law is in a state of flux under section 35, public interest argument. And, Mr. Deputy Speaker, it is on that basis and the untested waters as to where we will find ourselves because that matter is, in fact, now on its way to the Privy Council which is why I am not touching on the merits of the matter because it is sub judice, but I am speaking about it in a way I am permitted in law to do so and under the Standing Orders to do so, that particular judgment has left and stands as the example as to the freedom of information, public interest section 35 argument being in a state of flux.

Now, Mr. Deputy Speaker, what is very interesting is that the Opposition has jumped on the annulment of this Order, and let me express why I think it is interesting. It is interesting based upon what has actually happened under the Opposition's hand by way of representatives that are known members of the United National Congress, by way of representatives that served as Government Ministers under the United National Congress, their actions lead us to question the merit of this particular Motion to annul this. And I say so because there are three examples standing in the public domain which tell us that we ought to be careful as to the bona fides of this matter.

Firstly—and these are all matters that are now ended in the courts—there is the matter of *Devant Maharaj v the Minister of National Security*. It was an action brought by a past Cabinet Member serving under the Member for Siparia, it was a judicial review of the Minister of National Security, get this, Mr. Deputy Speaker. It was a judicial review brought saying that the Minister of National Security, the current Minister of National Security, was in contempt for failing to bring the annual reports of the Strategic Services Agency, hear this, for the years 2012, 2013, 2014 and 2015.

This matter was docketed before the hon. Justice Frank Seepersad, and I will quote here now from Friday 09 December, 2016, *Newsday* article entitled, “Ex-Minister gets leave to seek judicial review against Govt on wiretapping”, where, and I quote:

“Justice Seepersad asked Rambally, who...”—is the lawyer acting for Devant Maharaj—“who also appeared with attorneys Jagdeo Singh, Larry Lalla, Criston Williams, Kei Taklalsingh and Karina Singh, for Maharaj, why, in the light of four years of such reports having not been laid in the Parliament, Maharaj was so late in filing...”—the application for judicial review.

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“Rambally submitted that the breach is a continuing one and Section Six (2)...of the Act...”—

**Mr. Lee:** 48(1), Mr. Deputy Speaker, relevance.

**Hon. F. Al-Rawi:**—“encroaches on personal...”—

**Mr. Deputy Speaker:** Overruled.

**Hon. F. Al-Rawi:** Thank you. Good Lord, man, I beg to move after one word and that? Mr. Deputy Speaker, so my friends can connect the dots. The exemption for the FOIA is on the SSA, and the Motion is grounded on access to the SSA, and I am talking about access for information to the SSA. And I am talking about a judicial review [*Desk thumping*] brought upon an application for information to the SSA. I mean, you have to read and spell?

Mr. Deputy Speaker, I invite meh learned friend, “doh” fall for basket so. “Doh” take basket. [*Crosstalk*] Mr. Deputy Speaker, the judge, Mr. Justice Frank Seepersad basically “boufed up”, thank you, Member for Siparia, Mr. Devant Maharaj, Cabinet Minister under the People’s Partnership United National Congress member for coming to court to ask for a judicial review for the annual reports that should have been produced by the, how many?—eight. John Sandy Minister of National Security excellent man; Carl Alfonso Minister of National Security: Gary Griffith, Minister of National Security. We had Jack Warner Minister of National Security; Embau Moheni assistant to the Minister of National Security; Emmanuel George; Subhas Panday; Collin Partap. Eight people serving in the Ministry of National Security whilst Devant Maharaj was the colleague to all of these eight persons. And Devant Maharaj approaches the courts when Edmund Dillon, the Minister of National Security the Member for Point Fortin, becomes national security. And even the judge says, “but what you doing”? That is case number one.

Case number two. Daryl Heeralal CV No. 2006-02603. Another matter, Daryl Herralal CV No. 2016-02495. In both of these matters, Mr. Deputy Speaker, we found a very interesting point. The Daryl Heeralal matter, again, concerned the SSA. And in the judicial review applications brought by, take a guess who?—Anand Ramlogan asking for information into the SSA, there was one appearance in the courts.

The attorneys-at-law in that matter were Gerald Ramdeen and Anand Ramlogan, one a past Attorney General, one a strong contributing Member in the Senate for the United National Congress. What happened, Mr. Deputy Speaker, in



those matters? The application for judicial review was met with an actual compliance, the information was given. But in public service what goes on, as Mr. Ramlogan would be well aware having sat in the position of Attorney General, the State is often very slow in its response because of the bureaucracy.

In these two matters, the State agreed to provide the information, and in providing the information there being one court attendance to withdraw the proceedings, I want to tell you what the prize in these proceedings were. The costs awarded by way of taxation in these matters, for the first matter, listen to this, \$220,982.01. That cheque was paid for because enforcement proceedings were threatened because the costs were awarded. Mr. Ramdeen collected the cheque on the 10/08/2017.

The second matter, hear what the costs awarded were, \$290,998,47. So all in all we are looking at 429, call it 30 thousand-odd dollars for two matters, one day of appearance for withdrawal, judicial review. You see, tied into this Motion is the fact that the method by which one rejects a disclosure permitted, because disclosures can be rejected as I pointed out in sections 24 to 35 of the Freedom of Information Act. But right now the SSA is subjected to constant applications for judicial review brought by members of the United National Congress where they are asking for judicial review on matters. But, Mr. Deputy Speaker, the pay out by the State is no small sum. I have just demonstrated \$430,000 in costs for one day's work.

In the Devant Maharaj matter where the judge actually allowed the State time, Minister of National Security the Member for Point Fortin had to do the report which his predecessors, eight of them did not do, eight of them did not bring to the Parliament, this Minister of National Security had to go and get the reports done and the court gave him time to do that. And the court was compelled because there was a breach to award costs in favour of Devant Maharaj. Fortunately, the court awarded only 50 per cent of the cost to be taxed yet, so far, the figure starting off at \$65,000.

So we crossed \$315,000 in three matters on judicial review relative to freedom of information in the core in terms of asking for information. So what does the State do in the circumstance that is set out now? It is aware that the Strategic Services Agency is the law in Trinidad and Tobago. That law was amended, it stood in 1995 as it became law, Act No. 24 of 1995. It was amended once in the period 1995 to 2015 by Act No. 39 of 1997. There were no threats on a continuous basis to the SSA for freedom of information, there were certainly no

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Members of the Opposition, then PNM Opposition, in the period 2010 to 2015 knocking on the door of the SSA on a continuous basis. But in 2016, importantly, the PNM Government came to the Parliament and asked for a significant amendment to the SSA Act.

We tabled an amendment on 11 March, 2016, in the House. We debated it on the 18 March, 2016, in the House. We passed it through the Senate, 1<sup>st</sup> April, 15<sup>th</sup> April, 3<sup>rd</sup> May, 10<sup>th</sup> May and we assented to the legislation 31 May, 2016, and we proclaimed the legislation on 04 October, 2017.

But what we did in that particular SSA Act is that we specifically amended the definition of the law to operate instead on what we call serious crime. And in dealing with that, Mr. Deputy Speaker, I go to the Act as it was passed and as it now stands law, we went to insert a definition for serious crime, and I am pulling it up from the Parliament website, and if you will just permit me a moment. Serious crime is now defined to include:

“offences related to homicide, treason, terrorist acts, terrorist financing, hijacking, kidnapping, trafficking in persons, trafficking in children, gangs, elicit trafficking in narcotics; psychotropic substances and precursor chemicals, dangerous drugs, corruption, money laundering, smuggling, arms and ammunition; chemical, biological and nuclear weapons, weapons of mass destruction, cybercrime, transnational crime or any offence which carries a penalty of not less than five years’ imprisonment;”

[MADAM SPEAKER *in the Chair*]

And in causing those amendments and in proclaiming the law, Mr. Deputy Speaker and Madam Speaker, I now draw your attention to the fact that the largest and most significant issue in our country apart from the state of the economy, left in the state that it was by the last Government, is crime.

Citizens of this country are aware that 497 people-odd were killed last year, headed up to 500. Citizens are not comforted by the fact that serious crime may have gone down except for murder. Citizens are witness to approximately 25 to 26 murders as at today’s date. Citizens have seen this country have the defeat on two occasions of anti-gang legislation. Citizens have seen a school boy on a Monday morning on the first day of school coming home in a taxi, a circumstance that every parent in this country can relate to. Citizens witnessed what the Trinidad and Tobago Police Service has put out as “gang activity”, where that young man and his taxi driver were sprayed with bullets, the car burst into flames, their bodies were burnt.

**8.30 p.m.**

And, Madam Speaker, in that circumstance seeing a collapse in our country of an essential disruptive tool such as the anti-gang law, they are comforted in the SSA Act. Why? Let me say why. Because, it is not lost on the citizens of Trinidad and Tobago, it is not lost on the statistics of Trinidad and Tobago that we have seen a significant improvement in the arrest rate following events. In that very case of the brutal murder of a beautiful young 15-year-old school boy, Joshua, in that brutal murder of this boy, people have been arrested. [*Desk thumping*] In the kidnapping that we have seen rear its head from time to time, people are arrested and before the courts. In the murder of that beautiful, wonderful lady who I knew well, Claire Broadbridge, persons are before the courts. [*Desk thumping*] And for a moment the country notices that somehow there is some good news.

But, Madam Speaker, I am putting on the floor of the Parliament today that the reason that we have seen an improvement in the detection and arrest of persons who commit serious crimes is because of the SSA. It is! And it seems almost to bother my learned friends opposite, that there is some scintilla of reprieve. It seems almost to be a fly in the ointment that the country has a sliver of hope. Because, Madam Speaker, I am now positing for consumption—

**Madam Speaker:** Hon. Member, your original speaking time is now spent. You are now entitled to 15 more minutes if you will, to avail yourself. Please continue.

**Hon. F. Al-Rawi:** Madam Speaker, citizens of this country, I now posit through you, to consider why on God's earth would there be three High Court actions brought, as I just listed. Three High Court actions brought by the previous Attorney General of Trinidad and Tobago under the Member for Siparia. What is the benefit of attacking the bona fides of the SSA for their annual reports? How come it did not bother them to produce the annual reports and comply with the filing requirements and laying in Parliament, as the law sets out? All of a sudden it is urgent, it is necessary, it has to be done. Why? Because they are in Opposition. For five years it did not matter. So, Madam Speaker, I am wondering why we should accept the annulment of this Order.

But I am going into something that is a little bit more important, and I am coming to, what does the rest of the Commonwealth do in these circumstances? Madam Speaker, I am able to say that whereas in Trinidad and Tobago there is a natural inclination towards disclosure, statutorily posited by section 3(2) of the

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Freedom of Information Act, whereas there is a state of flux in relation to the law as it is being unfolded in Trinidad and Tobago, and in particular as demonstrated in the *Ministry of Planning and Sustainable Development v the JCC* which is yet to be settled. It is noteworthy that in Australia, that in the United States of America, that in Canada, that in the United Kingdom, all of whom are international partners in intelligence agency sharing with Trinidad and Tobago, as my learned friends opposite are well aware, in all of those jurisdictions there is the exact opposite inclination towards disclosure, both from a common law perspective, and also from a statutory perspective, and more importantly their courts, up to the highest courts of the land have consistently leaned in favour of the Executive's non-disclosure.

For the records let me put this. In Australia, the Australian Secret Intelligence Services, the Australian Security Intelligence Organization is specifically exempt under their equivalent of the Freedom of Information Act, and that is the Australian Freedom of Information Act, 1982. In the case of Canada, in Canada their equivalent of the Freedom of Information Act, their section 16 of the law enforcement and investigations legislation says, the head of a government institution may refuse to disclose. In Canada, they set out in that same law, Canada Security Intelligence Services Exemption. When we get to the United States of America and the United Kingdom—we look at the case of the United Kingdom—the practice in the United Kingdom, the law in the United Kingdom, both the common law practice and the law, the law specifically in section 23 of the Freedom of Information Act, 2000, provides institutional exclusion for security bodies. Information held by a public authority is exempt information if it was directly or indirectly supplied by the public authority by or relates to any of the bodies specified in subsection (3). It lists the security bodies which includes security services and the secret intelligence services in England.

The common law in particular describes that national security is the primary responsibility of the executive, and they lean in favour of non-disclosure. In this particular scenario, Trinidad and Tobago finds itself finally with some glimmer of hope. Finally, in this chaos and unacceptability of the murder rate in Trinidad and Tobago, which we deplore, we see the arrest and detection rate improving in an exponential way as a result of SSA operationality. We see an Opposition treat with the appointment of a Commissioner of Police by way of challenge, in terms of legislation, treat with anti-gang legislation by way of opposition twice, treat with the exemption for the SSA by way of Motion to annul, and then we hear them say, "Well, let's talk. Let's be bipartisan. We're serious in helping you out."

But, Madam Speaker, add up the High Court actions, add up the costs, add up the actions on the floor of this Parliament on the crime Bills in particular, and I think words and actions can be distinguished. And, the case in law and in fact in the Commonwealth jurisdiction that are our major intelligence agency partners; the United Kingdom, the United States of America, Canada, provide for absolute exemptions for the SSA. In fact, Madam Speaker, I dare say that the law contemplated this. Because when we look to the Freedom of Information Act, section 5, non-application of the Act, and we look to, the Act does not apply to, and it lists the President, commissioner of enquiry, public authorities, et cetera, for the purposes of this Act. We come down. We look to the very basis for this Motion, and in this Motion we are being asked to annul the Order made pursuant to section 5(1)(c) of the Freedom of Information Act. And section 5(1)(c) says that:

“such public authority or function of a public authority as the President may, by Order subject to negative resolution of the Parliament, determine.”

Well, the Cabinet is to be read as the President, the Cabinet has looked at the Commonwealth practice, the Cabinet has looked at the state of this country, and the Cabinet has brought the Order which was signed into law on the 13<sup>th</sup> day of December, 2017. But, Madam Speaker, there is something very, very important to put onto the record, as I come to an end on a debate which is rather—I mean, I have been in Parliament a short eight years and I have never seen somebody pilot a Bill the way the Member for Naparima did, ever.

It is quite outstanding and not in a good way. But, the fact is, that there is something referred to as the mosaic principle, and let me put that unto the record. In the advocacy for the case for institutional exemption of the SSA there has been a significant amount of literature which points to what they call the mosaic principle. And what is that? There is caution in the jurisdictions that I have just referred to: The United Kingdom, Canada, the United States, Australia, that say, “If you were to give access to information in security and intelligence, not only would your international partners feel uncomfortable about it”—let us use the local parlance “watch yuh cokey eye”.

Not only would that be the case, but very importantly what may appear to be an innocuous give of information, is much like fitting a mosaic together, or the pieces of a jigsaw puzzle together, and what is disclosed today may fit into something tomorrow. And there is an obvious jurisprudential caution that one should avoid falling into the mosaic disclosure. And that is the contemporary

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thinking in the law. And therefore, again, using the local parlance, one ought to be “cokey eyed” in watching any attempt by the Opposition to seek to annul this Order as they seek right now. [*Desk thumping*] Because, Madam Speaker, the evidence that one is to consider, the evidence that the Opposition is to be judged by, is not what they say, but is what they do. High Court actions, no support on criminal matters of legislation for anti-crime measures and for improvements into the system, and today that saga continues with an attempt to annul something which everywhere else around the world is acceptable principle.

Madam Speaker, if we want to find any fighting chance against crime, we have to give the SSA a fighting opportunity. My learned friends opposite left it in a state of glorious operation without comment, without attack, without action, for the five years that they were in the seat of governance, and on this occasion we ask the population to consider that there is in fact no merit in the annulment of the Order, it is good law, it was contemplated quite properly, and we should be very, very cautious about the bona fides behind the attempt to annul this law.

I thank you, Madam Speaker. [*Desk thumping*]

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): Thank you very much, Madam Speaker. We have had a long day today and contrary to the protestations of the Member for San Fernando West, who has warned us that we must look “cokey eyed”, well I think we must watch with eyes wide open the actions of this Government [*Desk thumping*] in seeking really to take away rights of citizens, in seeking to take away something that was really historic when the law on freedom of information was passed in this Parliament in 1999, I believe it was, passed by a very brilliant Attorney General under the Panday administration. [*Desk thumping*]

And there are two pieces of legislation which came in around the same time. One had to do with freedom of information, and one had to do with judicial review of administrative action by an Executive. And in all instances and every step of the way the PNM has sought to undermine the rights of citizens. [*Desk thumping*] I remember that Judicial Review Act, they came to the Parliament, people had to go to court—I believe it was former AG Ramesh Maharaj had to go to court to have the Government’s intention to remove the rights of citizens to get judicial review of wrong action on the part of a Government. And we have seen since this law has been passed in 1999, this Government and their incarnations before, have come repeatedly to bring exemptions to it. But I am not convinced by a single distortion and contortion of the Attorney General. [*Desk thumping*]

And if ever I was convinced of the statements which were read into this Parliament by our colleague, the Member for Oropouche East, about “Seukeranizing” statements in the Parliament. That is where you went.

**Mr. Al-Rawi:** I reached there?

**Mrs. K. Persad-Bissessar SC:** I mean, one of it—yes, you went there, Sir, so I would have my say. Madam, with your leave, the hon. Attorney General in one breath is saying, because cases were brought by former UNC Ministers, UNC members, and so on, and the amount of cost, that these things were being brought to make money. That is an implication. He read out the cost in cases. He talks about UNC members bringing cases under the law that is the law of Trinidad and Tobago [*Desk thumping*]. That is the right of every citizen in this country to bring actions in the court where it is there is unjust administrative action, and of course, where it is that there is freedom of information.

So, I rise totally in support of the Motion filed in the name of the Member for Naparima. [*Desk thumping*] We have seen in this Parliament, I think it was 2005, when the then PNM Government came for another exemption order and had to pull it back, because the outcry that arose. I think it was in 2005 it might have been, where they sought to exempt all kinds of agencies from the Freedom of Information Act. But let us remember, this piece of legislation, the FOIA—I will refer to it as that to save time—is widely considered to be placing a torchlight in the hands of ordinary citizens that he could flash into the very dark drawers of the filing cabinets of any state agency to obtain information, in the interest of what? Transparency, public accountability, democracy. And all the judgments in our courts since then, speak to this, giving into it a weapon as it were, or giving transparency into governmental action.

If we did not have this law, I could not file a freedom of information application. Anyone, whether UNC, PNM or any other party would not be able to file to ask, what about this fake oil? What about fake oil? What happened at Petrotrin? How did this go wrong? Can we now file, if we listen to the Government and take out everything, would we be able to ask questions about this new boat that is coming. What was the procurement process? How did it happen? The former PNM Government exempted the Central Bank, Madam Speaker, and perhaps if that bank was not exempted the Clico fiasco would not have happened, because it would have been red flags. [*Desk thumping*] We could have filed FOIAs to find out what was going on, and red flags could have been raised. But these are the matters, and the question today when I listened to the hon. Attorney General,

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one is, people want to make money. Lawyers are probably making money by these things, forgetting that that is the right of every citizen to go to court. So that is one explanation or rationale perhaps for this.

The second is, the hon. Attorney General spoke about barring some rights in the legislation, and referred to section 8 of the SSA. May I remind the hon. Attorney General that this law and the section 8 in the SSA Act were in existence when the FOIA Act was passed, because the SSA Act was passed first in or about October 1995. An FOIA Act came in 1999. So, the legislators were fully *au courant*, or fully aware, fully knowledgeable of all the sections of the SSA. And in that FOIA Act, when you read it, it is exceedingly wide. It is exceedingly wide about the public authorities who are subject to this Act, including the SSA, and therefore this section 8 of the SSA Act, that is giving it no balance between FOIA and SSA, I do not accept with the greatest of respect, Madam Speaker, because one was in existence and then the FOIA came, and this is what the FOIA did. It is so very wide in terms of public authorities who are subject to the Act. So, let us look at it. What is a public authority? Public authority includes the Parliament.

So you could FOIA the Parliament, they are not exempt.

“...a Joint Select Committee of Parliament”—this is in section 2—“committee of either House of Parliament;”

Further, public authority:

“Subject to section 5(2), the Court of Appeal, the High Court, the Industrial Court, the Tax Appeal Board, or a Court of summary jurisdiction; the Cabinet as constituted under the Constitution; a Ministry or a department or division of a Ministry;”

It is very wide.

“the”—THA—“the Executive Council of the”—THA—“division of the”—THA—

“a Municipal Corporation...

a Regional Health Authority...

a statutory body...which is assigned to a Minister of Government;

a company incorporated under the laws of the Republic of Trinidad and Tobago which is owned or controlled by the State;

a Service Commission established under the Constitution or other written law;”



And (k):

“a body corporate or unincorporated entity—in relation to any function which it exercises on behalf of the State; which is established by virtue of the President’s prerogative, by a Minister of Government in his capacity as such or by another public authority; or which is supported, directly or indirectly, by Government funds and over which Government is in a position to exercise control;

The Government has the power to exercise control over the SSA. Its director is a political appointee of the ruling party. [*Desk thumping*] And in that law, I remember when we came with the amendments, we were so concerned that this director answers to the Minister. This is a political entity. Madam Speaker, the police service is not exempt. [*Desk thumping*] If you are so concerned about the fight against crime, bring an order to exempt the TTPS; bring an order to exempt the DPP; bring an order to exempt the Judiciary; bring an order to exempt all these crime fighting agencies. So you come here crying with a bleeding heart, oh crime and the beautiful boy, and that beautiful lady, and oh yes, oh yes, pulling at people’s heartstrings. To do what? To come and take away their rights in law. [*Desk thumping*] So you want to question our *bona fides* in bringing this to cast aspersions that we have some, what you call it, hidden agenda in bringing this. There is no hidden agenda. Ours is totally transparent, for accountability and for democracy. [*Desk thumping*]

You have to remember what this FOIA is about. And then whilst on the one hand there are wide authorities who have to answer, the thing balances itself, Madam Speaker, because the hon. Attorney General himself acknowledged the sections from 25 onwards where there are reasons to refuse the disclosure. And if you are not satisfied, whether I apply to SSA, or I apply to any other of these public authorities, the authority is of the view they should refuse the request, they can do so. [*Desk thumping*] They can do so. So it is already built into this FOIA that balancing that we need that where it is matters relating to national security and so on, it is in here. You can refuse, and at the end of the day the hon. Attorney General talked about the mosaic principle and about judicial caution. Well remember, if you refuse, the claimant can go to court and ask the court to determine, you will have the mosaic principle of Judiciary, a judicial officer determine whether this is in the best [*Desk thumping*] interest of the public.

So that, again, the explanations given and the rationale, I cannot see one of them making any sense. The question is, why now? Why does the AG want to question the *bona fides*? We have to do it now because this is when you brought

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the exemption order. You just brought it when? You laid it a couple days ago, we have a 40-day period, up to the 23<sup>rd</sup>, I believe, of January. This is the time that we must file the Motion to exempt the order. So that again, does not really fly anywhere. And so the acts of the UNC—and I did object to it but I was overruled, and so be it. The hon. Attorney General spoke about matters brought by Devant Maharaj with respect to getting a judicial review of administrative action in the failure to file SSA reports. That has nothing to do—annual SSA, what? Every year it should be filed. Okay, the Government we led was negligent, as was this Government, until the matter went to court. They decided, look, you have to file them, and, I do not know if they have yet been filed, but the court gave time for it. But that has nothing to do with exemption orders. That case has nothing to do, in my respectful view, with exemption orders. What we would want to look at then, what is the view right now? What is it that pushes the Government to come at this time—because we are saying we have to respond now. What it is that has impelled the Government, propelled the Government to file this now?

Madam, I will show you the history of exemptions brought by this Government, and every time the Government has to answer an FOIA on certain matters that is when they come with an exemption order, and that is what is behind what is happening here now. [*Desk thumping*] And I will show. I said the SSA, any authority partly funded by Governments funds directly or indirectly. Look at what was the budget for the SSA. For 2016/2017, fiscal '16 and '17, this Government has spent \$275 million in two years, and they propose to spend another \$190 million in 2018, a total of \$465 million. So in their first two years they have spent 80 per cent—is over 80 per cent of what the Partnership spent for our entire five-year period.

So we are not entitled to ask where that money is going? Are we not entitled as ordinary citizens to ask where is it going and to follow that money? Through the FIU, we can follow that money. [*Desk thumping*] Do not tell me now it is because crime is at the highest you brought this, because I am sure that is not true. I do not believe it. It is totally erroneous. Let me tell you why, as I say you have brought this today? But we as ordinary citizens as taxpayers, anyone in this country has a right to say “Where the money gone?”

**Mr. Lee:** Follow the money.

**Mrs. K. Persad-Bissessar SC:** Follow that money. That is just SSA. In many other regards we have to follow money everywhere, and we will continue to follow the fake oil money.

**Mr. Charles:** And the boat.

**Mrs. K. Persad-Bissessar SC:** We will continue to follow the boat, and we will continue to follow all those matters which caused disquiet in the public domain. [*Desk thumping*]

So let us talk about exemption orders. Here we are, we have seen in terms of the exemption orders, there were about one, two, I think there were five. Rodney remind me there, I think it is five: One, two, three, four and five. There have been five exemption orders made under this Act since it came into force. The first one has been—sorry, four. There have been four, and this purports to be the fifth. The first one was the FOIA Exemption Order in 2003. The then PNM Government came, the second Manning administration, and this is what they did. They excluded the following bodies: First Citizens Bank, First Citizens Holdings, First Citizens Bank Limited, First Citizens Corporate Services, First Citizens Mortgage and Trust Company Limited; the Trinidad and Tobago Unit Trust Corporation. I am very concerned about that, you know, because I am hearing that the Unit Trust Corporation may go belly under at any point in time given what is happening in the economy, but we cannot ask a question. We cannot do an FIOA. The Export/Import Bank, the Agricultural Development Bank, the Trinidad and Tobago Mortgage Finance Company Limited, Taurus Services Limited. All this is money of taxpayers in this country. The Business Development Company Limited, the National Entrepreneurship Development Company Limited. The second one, NEDCO.

The second exemption was in 2004. To do what? To exempt the Central Bank. I have already spoken about what has happened, because of that thereafter we could not get access to the Central Bank matter. The third one was the exemption of the Integrity Commission. This was in 2005. And the fourth was done by the Government I led, of which I was a part, which was to exempt the Justice Protection Programme, established under the justice protection. And we did one. In all the years from 1999 to the present, this one was done by the Government that I led. And in this one there were major issues, and the Opposition of the day did not file a Motion to exempt that one, so it appears that they would have agreed with that particular one under the Justice Protection Programme.

So, when we look at these orders, Madam, this is where I want us to trace the chronology of events. The case of the *Sanatan Dharma Maha Sabha v the Minister of Finance*, Civil Appeal No. 123 of 2004. This case was filed by the Maha Sabha because the Central Bank rejected an application under the FOIA, seeking information about the role and duties of Dr. Selwyn Cudjoe, expenses

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associated with his position as a director, including transport, airfare and accommodation since he was living overseas, and details of financial assistance given to NGOs and cultural organizations to see whether there was any political bias. The Maha Sabha lost this case in the High Court, but won it in the Court of Appeal, when on December 18<sup>th</sup>, Justice of Appeal Wendell Kangaloo, Justice of Appeal Allan Mendonca, and now our president designate Justice of Appeal Paula Mae Weekes, ruled in favour of the Maha Sabha's entitlement to the information requested. Look at what happened? The FOIA request was made on the 26<sup>th</sup> of August, 2003, the response from the then Minister, 11 September, 2003, amended FOIA 06 November, 2003, response by the Central Bank, 01 December, 2003, leave obtained for judicial review 29 March, 2004; the exemption clause was made on the 31<sup>st</sup> of December, 2003, while this case was pending.

Fortunately, the Court of Appeal ruled that it is not retroactive. So even this exemption order you think would escape a particular application now before the court, it is not retroactive. That is what happened with the Central Bank exemption. In terms of the chronology, FOIA case file, and whilst the case is pending the Government moved quickly, the then PNM Government. We turn to the other one, *Chandresh Sharma v the Integrity Commission*, High Court action, 2005 of 2004, Civil Appeal 51 of 2005. This case concerned a request by MP Sharma, then MP, for a list of the persons in public life who had not filed their annual declarations of income, assets and liabilities with the Integrity Commission.

The commission refused the request and Mr. Sharma sought judicial review of that refusal. He lost in the High Court, won in the Court of Appeal when on 07 April, 2006, Justice of Appeal, Wendell Kangaloo, Allan Mendonca and Justice Ivor Archie ruled in favour of the entitlement to the information requested.

### **9.00 p.m.**

And so, look at what happened. The request was made 14 September, 2004; refusal 13 October, 2004; leave granted for judicial review 04 November, 2004; judgment March 2005; date of the Court of Appeal judgment, 07 April, 2005. When was the exemption order?—19 May, 2005 while this matter was pending. It was laid in the House in June 2005, in the Senate, 2005, thereafter June.

Let us come to the SSA. So I have given three examples, the Central Bank, Integrity Commission. Here we are now, we want to exempt the SSA. And let us look at what has happened. Like the issue with the Central Bank the exemption came while the case was pending. Like the issue with the Integrity Commission

the exemption came while the case was pending. The SSA was exempted by the PNM due to a court case behind them. I think that is why they have brought this Order. Another court case. That is the history; that is the pattern. [*Desk thumping*]

This case is presently pending in the High Court before Justice Devindra Rampersad and the exemption Order, I think, being debated today is yet another preemptive strike to try and outmanoeuvre the citizens' right to access for information under the FOIA. The application was made on the 15 March, 2017, and look at what the claimant requested, eh. Nothing to do with national security. What it is, is follow the money. Follow the money and look for good administrative practices at that SSA. The claimant asked 15 March, 2017, copies of documents containing the number of interceptions conducted pursuant to judicial warrants during the period—

**Mr. Al-Rawi:** Madam Speaker, this is *sub judice*, unfortunately.

**Mrs. K. Persad-Bissessar SC:** I am not pronouncing on—[*Interruption*]

**Madam Speaker:** Member.

**Mrs. K. Persad-Bissessar SC:** This is a public document, Madam.

**Madam Speaker:** Member, from what you are saying this is still a matter before the court and therefore I will uphold the objection. [*Crosstalk*]

**Mrs. K. Persad-Bissessar SC:** I am guided. I am guided if the Attorney General would just be quiet a bit. I am guided by the hon. Speaker. [*Crosstalk*]

**Madam Speaker:** Members, I have ruled. You have made an objection, I have ruled. Please let us move on. I would like to hear what the Member for Siparia has to say. Please continue.

**Mr. Charles:** You have a full 10 minutes; 9.27 give you the extra 15 minutes.

**Mrs. K. Persad-Bissessar SC:** Okay. Thank you so much. So I am saying there is a history in the chronology of exemption Orders coming to the Parliament when there are pending matters, which I cannot disclose what they are, but certainly from the public documentation, that history is there with the Central Bank and then with the Integrity Commission. So this then, Madam Speaker, what is the reason to exempt the SSA?

Let us look at that SSA Act. What does it say? It tells us that the—my apologies, Madam, one moment please. This SSA Act, Strategic Services Agency Act, 24 of '95 thereafter amended by this Government in 2016. Let us look at this Act and see what it says. We look at the powers given here, where the Strategic

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Services Agency has been given increased power with respect to crimes, investigation of crimes as the hon. Attorney General pointed out to us. They have given it a new power in order to investigate crimes and that is where perhaps the cry came, the clarion call about fighting crime in Trinidad and Tobago and therefore by exempting this SSA the impression is being created that we would be able to get more criminals, we will catch more criminals, we will punish more criminals and so on.

I cannot see the connection. I cannot see how exempting the SSA will lead to a greater control of crime, a greater control of detection and conviction. I cannot see it and if any other speaker is speaking, perhaps they may share with us how will exempting the SSA from the Freedom of Information Act lead you to catch more criminals, lead you to bring down the murders and the crimes and so on? And whilst the Attorney General, he speaks very glibly about greater numbers, yes, we are happy for that. He said we would not be happy. Okay, you have more arrests and some of the serious crimes down, I am sure the hon. Minister from Point Fortin is doing the best that he can.

But the fact is and the fact remains that the murder rate is totally out of control. [*Desk thumping*] The AG made mention of it. And how on earth will exempting the SSA from the Freedom of Information Act cause that to become lesser? Would it not be, then, that should the citizens, the ordinary citizen have a right to access information of things that the SSA is doing. If, for example, a citizen can ask the question as to how the money is being spent; if we can ask about other matters, surely that would help the SSA to be more efficient and more effective in the fight against crime and in carrying out their duties.

What is so dangerous to have a citizen ask for copies of documents containing the number of interceptions that were taken under the SSA, whether it be with a warrant or without a warrant? How is that going to damage national security and cause crime to increase? What is wrong with a citizen asking for audited statements of accounts from the SSA, given the amount of money I have just disclosed being spent in this agency? What is wrong with getting copies of documents containing the number of regional and international conferences and seminars people have been attending? We have seen in some other institutions officers in this land runaway international travel, runaway cost at a time when the Government is so clear that we need to cut cost, things are so bad that the hon. Minister, the Member for Arima cannot even offer water or tea at a meeting.

So what is wrong with asking about these things? How will that become a danger? How will that increase crime if questions such as these are asked? And so these and many other questions could surely be raised with respect to the SSA that will not infringe on national security, that will not increase crime, but could help us to

keep a monitor and a handle because any time you hide matters—you know, I have been told some workers were protesting or about to protest—I think it was today at PLIPDECO. At PLIPDECO. You know why, Madam Speaker? I hope it is not true, because in the ladies washroom we are being told that there are three active cameras—*[Interruption]*

**Mr. Hinds:** Which Minister did that?

**Mrs. K. Persad-Bissessar SC:** I am not saying a Minister did it, Sir, okay. And you really have to wonder if we keep matters under lock and key—*[Interruption]*

**Madam Speaker:** Members, please try and contain the crosstalk and the outbursts. Member for Siparia, please continue.

**Mrs. K. Persad-Bissessar SC:** Thank you, thank you so much. I do not know why the hon. Minister jumped to defend: “Which Minister”? Makes me wonder now whether there might be some ministerial interference with it. I will have to file a freedom of information application to discover. *[Crosstalk]* You see that and then you see—

**Mr. Hinds:** “Dotishness”.

**Madam Speaker:** Member for Laventille West, you are certainly very experienced and therefore please ensure that your outbursts are contained and that your language is parliamentary. Please continue, Member for Siparia.

**Mrs. K. Persad-Bissessar SC:** Thank you so much, Madam. So, on that note we are seeing a lot of things on the social media and so on, so it is the citizens’ right to know. I know the AG has to work on the Cybercrime Bill. It is something we look forward to, it is not something that we are happy about, but then he just told me that I should not ask to talk with them, so we will just await whatever he plans to do as we go down in the future.

So, I am saying with the SSA Act and marinate with the FOIA, every explanation given about fighting crime and to improve it and increase the fight against crime and criminals is this SSA exemption. It was the Anti-Gang Bill. It is like, “oh gosh”, we must have this Anti-Gang Bill. When the AG boasted just now about arresting people with the same school boy murder, how were they able to arrest them? Was there any law that this was a crime without that anti-crime? All the stories we are hearing. So do not rest your hopes on one panacea. It is not going to work like that and each time this Government has spoken about a holistic

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approach and that is what we need to really see in the fight against crime. [*Desk thumping*] So an exemption of the SSA really is already contained, if it is about fighting crime. So let us look at them. The AG just went through them very quickly.

Exempt documents. So, yes, everybody can apply but that does not mean that you are going to get them. Where it is that there are serious issues concerned, the authority can refuse and the AG is talking about mosaic principle again, across the floor. The mosaic principle from what he explained is that you must have judicial caution and so on. It is the Judiciary, it is the courts of the land who will determine whether you get the information or you do not get the information. [*Desk thumping*]

So exempt documents, section 24, Cabinet documents:

- “(1) A document is an exempt document if it is—  
(a) the official record of any deliberation or decision of Cabinet;”—and certain documents out of the Cabinet are exempt documents.

Section 25, this is very important in reference to the SSA:

- “(1) A document is an exempt document if it contains information, the disclosure of which would be likely to prejudice the defence of the Republic of Trinidad and Tobago.”

So 25 deals with defence and security documents that are exempt documents.

- “(2) A document is an exempt document if it contains information, the disclosure of which would be likely to prejudice the lawful activities of the security or intelligence services.”

Again, you do not have to get it, but I can find out how much money you have spent to travel to wherever, Timbuktu. We can find out how many persons you have hired; we can find out how much staff you have in the SSA or do not have in the SSA. Those will not damage the defence and security. You have an exception built in to the Freedom of Information Act.

We go on to section 26, international relations documents. So you know the AG again, in his contribution talked about watching “cokey eye” and international people watching us “cokey eye” if we do not exempt these people. We are “cokey eye” because of international issues and so on. Section 26 of the FOIA:

- “A document is an exempt document if disclosure under this Act would be contrary to the public interest and disclosure—”



In the marginal note:

“International relations documents.”

If this disclosure:

- (a) would prejudice relations between the Government of...Trinidad and Tobago and...other State;
- (b) ...prejudice relations between the Government of...”—T & T—“and an international organisation...
- (c) would divulge any information or matter communicated in confidence by or on behalf of the government of another State to the Government of ...Trinidad and Tobago...”
- (d) if it—“would divulge any information communicated in confidence by or on behalf of an international organisation...”

This takes care of international documents that are exempt under the existing law. Section 27, FOIA:

“(1) Subject to this section, a document is an exempt document if it is a document...”—[*Interruption*]

**Madam Speaker:** Hon. Member for Siparia, your original 30 minutes are now spent. You are entitled to 15 more minutes to complete if you wish. Please continue.

**Mrs. K. Persad-Bissessar SC:** Thank you, Madam, for the time. So section 27, “Internal working documents”, marginal note, are also exempt.

“(a) would disclose matter...of opinion, advice or recommendation...”and so on.

Section 27 exempts all these internal working documents. So the FOIA is replete and very verbose, very lengthy with respect to exempted documents. So it is not like every time a citizen applies for something from the SSA under the FOIA they must pick it up and give it.

No, there are protections and there is a balance in here of the right to know and the right to defend security, international relations and so on.

Section 28, very important. The marginal note tells us that section 28 exempts, “Law enforcement documents.” So we have national security documents, defence documents and law enforcement documents.

“(1) Subject to this section, a document is an exempt document if its disclosure under this Act would, or would be reasonably likely to—

- (a) prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance;”

Exempt. If I ask the SSA to give this kind of document, exempt under the law, already exempt. If it would:

“(b) prejudice the fair trial of a person or the impartial adjudication of a particular case;”—if it would—

“(c) disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law;”

All these checks and balances are here, already provided for in the FOIA law. It would be exempt if it:

“(d) disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of breaches or evasions of the law”—if the document would—

“(e) endanger the lives or physical safety of persons engaged in or in connection with law enforcement...”—and so on.

So a whole host of exemptions that will give the comfort zone that would be necessary for the SSA to conduct its investigative functions with respect to crime.

Section 29. Again, Madam:

“Documents affecting legal proceedings are subject to legal professional privilege.”

Section 30:

“Documents affecting personal privacy.”

Section 31:

“Documents relating to trade secrets.”

So many sections putting in that balancing of the right to know against the right to privacy; the right to international relations; the right to security; the right to defence; law enforcement.

## Section 33:

“Documents affecting the economy, commercial affairs...documents concerning operations of public authorities.”

So SSA operations would be exempt. All these sections, Madam. Section 34:

“Documents to which secrecy provisions apply.”

The hon. Attorney General talked about section 8 and talked about taking an oath of secrecy and so on. There is a provision, 34, for documents to which secrecy provisions apply to be exempt. Then, notwithstanding documents of:

“...exempt, document in the public interest.”

So all of these provisions are here. There is that balancing of the public’s right to know what is happening with their taxpayers’ dollars; what are the administrative decisions and others that are being taken and at the same time, giving to the State exemptions that would allow for safety, security, defence, law enforcement, international relations and so on?

So I come back to where I started, Madam Speaker. I totally support the Motion brought by my colleague, the Member for Naparima. [*Desk thumping*] I think the direction in which the Government is moving and the signal that is being sent is of a Government engaged in a galloping dictatorship. [*Desk thumping*] We have seen where your freedom of expression, you cannot even sing anymore, the attempts to block freedom of expression. We see here attempts to block the citizens’ rights to know and therefore we do not support this exemption order.

Before I close, I ask again, this Bill, this SSA Bill when debated here in 2016, I believe it was, I remember how urgent that was, laid in the House sometime in 2016, did not become law of this land until October last year. It took more than a year, almost a year before it became law. I just want to point this out. So whilst we are trying to exempt this SSA, we do not even have the regulations to tell us how they work or how they should work. We do not have that. And that law as I had pointed out, in that debate many had pointed out, October 1995, now this year I think will make 22 years since the SSA Act came into force, and no regulations. So this is like a secret society going on up there.

**Hon. Member:** A lodge.

**Mrs. K. Persad-Bissessar SC:** It could be what some would call a lodge. You cannot ask anything, you cannot find anything. I remember here with the Central Bank Act when a question was asked in the Parliament, the Minister told us, no,

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he cannot answer that question, the Minister of Finance. It had to do with something with legal fees, I think, paid by the Central Bank. No, no, I cannot answer it, not even the Parliament can ask these things when you are exempted, not even the Parliament would be able to ask. So this thing will be a total secret society operating, we do not know how, because there are no regulations in place; operating as I say at the whim and fancy of the political directorate, the ruling party, because that is what the law provided. We objected, but they went ahead with it. We have seen over the past several years how many persons have just been fired from the SSA. Can we ask why, what, when, how, where, Madam? That would not jeopardise national security should that information become available.

And I would want to remind the Government that when we did the debate in 2016, an assurance was given by the Government in the person of the hon. Attorney General in the *Hansard*, it is there:

“...the draft regulations which are to be brought before the Parliament for negative resolution for this Bill and also the Interception of Communications Act...”—will be coming— “...I hope it would form part of our work product in the very, very, short future, near future.”

That was way back on May 10, 2016. So a year and how much is gone, more, for something that has been on our statute book for 22 years, no regulations.

I say that we cannot support this exemption Order and I call on my colleagues and I call those on the other side to rethink it. It has happened before, rethink this order, this SSA order; rethink it because one day is for Peter and another day it is for Paul. So whilst you are sitting there today and you are in charge and you think you do not need any vote, you do not need any voices, you need nothing from any one it does not work like that. One day for Peter, one day for Paul. You would not be there every single day, I would not be here every single day of my life and so let us look at the bigger picture. This is a very dangerous order, an exceedingly dangerous order that should not be seen, must not be given the light of the day. I thank you very much, Madam. [*Desk thumping*]

**Mr. Prakash Ramadhar** (*St. Augustine*): Thank you very much, Madam Speaker. I was tempted to open by saying there we go again. The Attorney General has come here with a level of obfuscation that really he has outdone himself than what he has been able to produce in the past. Madam Speaker, to have heard the Member for Siparia, the Leader of the Opposition speak, she put it very well. But I think it is important for us to reflect a little deeper as to what we are really doing here tonight. The Government wishes to exempt the SSA from any

enquiry, it wishes to remove the right of every citizen to question what they are doing. And no one is asking for a moment, questions about operational issues that go into any actual crime or offence or investigation.

What they wish to do is to put a blanket of secrecy over the running of an agency that this Government was warned from its very genesis that it was a very dangerous creature and monster that they were creating. What is happening today in the objection by all right thinking citizens I believe, is really what they have created. When this SSA Bill, now an Act, came before this Parliament what happened was that we saw a change from the old SSA from 1995 to a whole different beast altogether. It moved where the SSA had been created for the purpose of dealing with crimes of an international quality, for drug smuggling and so, to one that capsulated almost every single crime known that carried a penalty of five years and above.

What that effectively did is that they put a whole new machinery to look at every citizen, to look at every possibility of every citizen who may be committing a crime or who may be suspected of committing a crime or who by some level of intelligence, fingers have been pointed to. And therefore it created great anxiety that to put such a power, first of all, into the hands of such an agency required the constitutional majority. The very Attorney General, with flippant disregard for what was right and proper then, said, no, they required a simple majority and they voted and it became law. But it is important now to appreciate what it is they want to protect; this beast, this monster that they have created. What is it that they want to protect? Do you know why there is great anxiety about this SSA? Maybe we should revisit what it really is and the learned Leader of the Opposition has referenced some bit of it, but I think it is important to really establish that this SSA allows for the surveillance of our citizens for any offence which carries a penalty of over five years and includes an offence where death, imprisonment for the remainder of a person's natural life and so on and for the purpose of safeguarding the economic well-being of the state and for the purpose of giving effect to the provisions of any International Mutual Assistance Agreement.

The ambit is extraordinarily wide, therefore any one of those issues could be interpreted and trigger then the right to survey. The right to listen into our conversations, to record, to keep us under observation, each one of us in the society. And that is why then there was great anxiety. But there was not great anxiety only because of that. The way the law was brought before this Parliament and eventually passed by a simple basic majority was an abomination to our Constitution as we know it. It was an insult to the expectations of a modern

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democracy. Because the person who will conduct the business, who is responsible for this agency shall be a director who will be appointed for a period not exceeding five years and terminable at any time. It means then that this person without due cause or whatever reason could be terminated without the normal expectations of proper industrial relations practices. But it is far worse and it is far worse for this simple reason, that the very director can be appointed by the Cabinet. One need not know who this person is, what qualifications they may have, what political connections they may enjoy, but that person will be given the authority to do all these things, appointed by the Cabinet which is by its very nature, political. And this person who is appointed by the Cabinet—guess what?—can act and at section 3(2) of the SSA Act says:

“The functions of the agency shall be exercised by the Director after consultation with the Minister.”

What does that mean? It means that he would take directives from a Minister of National Security, not by any written protocol within the agency itself, not under the constitutional checks and balances that we have grown accustomed with, but under the guidance and direction of a Minister, a political entity. It gets worse. And this is the law which this Parliament, not with the support of the Opposition, gave to the SSA. It says that section 4, subsection (5):

“The Director shall be subject to the directions of the Minister.”

Well if that is so, where have we heard of law enforcement in any civilized First World constitutional guided country that law enforcement, that is what the SSA effectively is, takes its direction from a politician? And that is why there is great anxiety. That is why we cannot trust anything that this SSA does, because it is a political weapon created by the PNM for no good reason other than to survey, to monitor and they say it is about crime suppression. I am not sure that that is the only power that they would exercise. *[Interruption]*

**Madam Speaker:** Member, I just ask you to be mindful of Standing Order 48(6), please.

**Mr. P. Ramadhar:** If you would forgive me, Madam Speaker. It shocked me when the Attorney General opened and suggested that the Member for Naparima having brought this matter before this House that he would have been guilty of improper motives. Because there was a suggestion that the United National Congress brought this because some of their personalities and agents or former Members in the Government that they were bringing action for the sake of raising money. No one said a word, but how improper a motive could that possibly be?

But when you heard the Member for Siparia put the truth and the light on this matter, you realized that nothing could be further from the truth. [*Desk thumping*] And this is the danger that we have and it is a common repetitive action of the PNM and the Members of the Government that whatever they do is holier than thou and beyond every approach; that nobody should look at it, nobody should complain, nobody should criticize, and if you criticize them you are unpatriotic. [*Desk thumping*] This is a dangerous path that we have gone on. This Parliament allowed itself to be used and abused by the passage of the very thing that would undermine our democracy. That SSA is possibly the most dangerous creation in a Government of Trinidad and Tobago. [*Desk thumping*] Look at the powers that we have given it. When I say, “we”, because we sit here together.

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(1), please. The Member is not talking about the issue before us. He is rehashing the Act itself.

**Hon. Member:** Frivolous.

**9.30 p.m.**

**Madam Speaker:** Member for Naparima, when an objection is made, I believe it is the Presiding Officer who works on it, please. Member, I will give you some leeway but I want you to start tying in into what is before us, please.

**Mr. P. Ramadhar:** As much as I would like to—what shall I say?—constrain myself, I will not be muzzled by the Members on the other side. When it is that I am speaking about what—

**Madam Speaker:** Member for St. Augustine, I will admit that you may be somewhat passionate, but the innuendo contained in what you just said there, I think is a reflection on the Chair. I am certain you did not intend that, so I just ask you to withdraw that and continue, please.

**Mr. P. Ramadhar:** I apologize. The point I am making is that it must be obvious to anyone with a bit of logic that I cannot speak to something that is being protected without identifying what the thing is. [*Desk thumping*]

**Mrs. Robinson-Regis:** It is the Chair making the ruling?

**Mr. P. Ramadhar:** There we go again. I take my seat so that the Chair could deal with my friend.

**Madam Speaker:** I will just ask all Members to please be guided by the provisions of Standing Order 53. Any Member who wishes to join the debate, regardless of how long we have to sit here, will be given an opportunity to join

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the debate. Members are also reminded that there is a Standing Order that allows interruptions and, therefore, utilize that Standing Order in the correct way. Please continue, Member for St. Augustine.

**Mr. P. Ramadhar:** Thank you so much, Milady. I am most grateful for that protection. So we were on the point of identifying this monster which I described as a monster, that has no place in a modern democracy, that we have given so much authority to. Now that we have given it that authority they tell us we cannot look at it; that we cannot monitor it? We cannot criticize it because we do not know what is happening within there?

I like to quote persons, and, in fact, there is a quotation from the learned Prime Minister of Trinidad and Tobago when he says in relation to certain things, that “dem is people to watch”. This SSA is people to watch. [*Desk thumping*] I did not have a clue—and I am grateful to the Member for Siparia, the Leader of the Opposition, former Prime Minister and expected next Prime Minister of Trinidad and Tobago [*Desk thumping*—that the budget for the SSA is in the hundreds of millions of dollars. You cannot ask what that money was spent for? Because when we were in government, whatever National Security wanted, we gave. All the equipment that would have been required was purchased already.

So if it is that you spent, what, \$300 million or close to it in a matter of two years—500?

**Hon. Member:** Close to.

**Mr. P. Ramadhar:** Well, I am not sure. I cannot ask? Could I take my seat and for one of my friends—the Minister of National Security—to tell us how much money they have already spent? I will be most grateful so I could move on, Ministry of National Security. I am asking.

**Madam Speaker:** I do not think, Member for St. Augustine, that is the way to operate. Please continue.

**Mr. P. Ramadhar:** Well, you see, there we go. We operate without information and therefore it is right for us to assume the worst when these things occur. If it is \$300 million, \$400 million, \$500 million, what expenditures would have caused it to be so high? We do not know, do we, what the salary of the director is? We do not know, do we, the terms and conditions of the director? What we do know, we heard a name mentioned. I do not know if it is still there. I think it is Mr. Robinson. We do not know how he was chosen, who he might be related to in the Cabinet, friend and family.



It is almost embarrassing for me to raise these issues but this is the reality that we are faced with. I do not like to assume the worst in people, but when a Government was warned that if you do these things you are poisoning the tree, and what is happening here is the fruit of a poisoned tree. That is what you planted. You created suspicion. That SSA was born literally out of sin, a worthless attack on our Constitution. You were warned then and this is the consequence of it. You have now come to say once again that they should be exempt from examination? Do we know how many persons populate that SSA? What are the staffing requirements? What is the staffing structure? Who have been hired? What criteria used? What salaries have been paid, what bonuses? We have no idea.

So that is it really a creation, as some have said, that it is really about friend and family of a sitting Government—to populate that thing? And that is why it is important to have openness. In fact, Madam Speaker, you are well aware, as learned as we all know that you are, of the great philosopher Jeremy Bentham, when he said:

“Secrecy, being an instrument of conspiracy, ought never to be the system of regular government.”

Let me just repeat that:

“Secrecy,”—which is what the PNM wishes to have on this—“being an instrument of conspiracy, ought never to be the system of regular government.”

That is what Jeremy Bentham has said. Another well-known philosopher, John Stuart-Mill said:

“...to watch and control the government: to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfill in a manner which conflicts with the deliberate sense of the nation, to expel them from office...”

This is what open government is supposed to prevent, because let us reference that. Secrecy is an instrument of conspiracy. I do not wish to participate in a folly on our citizens, that laws have been passed and now to use the Parliament again to create more secrecy in an era where, as we all know, in this information age you wish to stop information? In the age of enlightenment, to put things in darkness? To treat us like, what, mushrooms, to keep us in the dark and feed us with—and

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expect us to grow heartily on that? No! The age for that is done and over with, and it is not to suggest for a moment that there are no protections to legitimate secrets.

In fact, former President of the United States, Woodrow Wilson said: Everyone—“knows that corruption thrives in secret places, and avoids public places, and we believe it is a fair presumption that secrecy means impropriety.”

I take solace and comfort in those words that when I speak here it is nothing personal. It is not that I wish to denigrate something. But secrecy by its very nature leads to a suspicion of conspiracy. And that when a legitimate effort is made to get information, and as we have heard actions have been taken to the courts for determination and the courts have ruled, are we also to say that not only is the citizen not to be entitled to find out things, but you are removing even judicial oversight? Because that is the effect of an exemption. If there is an exemption, you cannot readily go to the court and claim that, “I am entitled under the FOIA to this information. It has been refused me and therefore I take proceedings under judicial review or any other form before the courts.”

So the Attorney General in Trinidad and Tobago is today suggesting that we should remove access to the courts. That might be a bit of an over-statement but in reality that is what it is. Because notwithstanding, you may still access the courts, but your chances are far lower of success. And this Attorney General has gone on record to say that if you have an issue, take it to the court and that they are willing to go after you if you should lose, to tax a bill.

The next government of Trinidad and Tobago, Leader of the Opposition, Member for Siparia, must include a provision that any citizen who files a judicial review, a constitutional matter and it is not found to be an abuse of process or frivolous or vexatious, whether they lose, they should not be subject to cost. We must open the democracy to allow citizens to question the Government, and they may do so. They may not always be successful, but they should never have the fear put over them that if they should fail, if they should lose in the court, that they could be subject to enormous costs. That is a very dangerous thing and this Attorney General has gone on record to suggest that his approach is that you bring an action and you lose, “We will go after you for cost”, suffocating, stifling, silencing our people.

So, Madam Speaker, I did not intend to be very long. In fact, I did not think, after having heard the Member for Siparia, that there was much more to add to it, but it is important that this mosaic that the Attorney General speaks to, can be applied, not

just in relation to what he spoke about in terms of giving out information and how your international cooperation for intelligence-gathering may watch you “cokey eye” or whatever, the mosaic is this, this is one aspect of a plethora of legislative change that seems to remove the protection of our Constitution, that seems to create more of an environment that nurtures a dictatorship. It is an environment where the population is being seen as less, and our Constitution is being disrespected, where our constitutional rights, the Attorney General has gone on record to have said that we do not have an absolute right to privacy. Nobody ever argued there was one, but suggested that there was no right to privacy in that statement, and therefore that we are all subject to be like goldfish in a bowl to be observed by those who have the power and the authority to do things, and to clothe all of their arguments in national security issues.

This country is not the first that has gone through these difficult times. Dictatorships are not born immediately out of pure evil. It is sometimes born out of a sense of justification to protect the society. And that when one looks at the trail since they have come into office, of the bodies that have fallen on the side in terms of modernism, in terms of openness, in terms of transparency, then it is not a surprise that we have arrived at this position, when a few weeks or so ago it was announced with much bravado that the Cabinet has appointed itself a subcommittee to acquire a ferry, immediately forgetting that no Cabinet, no politician, has a right to purchase anything, [*Desk thumping*] obliterating a generation of knowledge of the Central Tenders Board. But not just that, in the shadow of procurement legislation which till today they have refused to put into effect, why is it?

**Mrs. Persad-Bissessar SC:** The President signed it today.

**Mr. P. Ramadhar:** Well, look at that. Well, if the President signed today, we are two years plus into a Government where much money—[*Interruption*] I think my friend from Arouca/Maloney wishes to speak.

**Madam Speaker:** Member, please ignore and continue, please. It is not being directed at you. Please make your contribution to the Chair. Continue, please.

**Mr. P. Ramadhar:** I sometimes wish I really could have—

**Mr. Garcia:** You are easily distracted.

**Mr. P. Ramadhar:** So we are on the point that this Government has thrown away and put behind it all that we had come to expect of an open government. Under the Partnership there were criticisms for anything that was even suspected of impropriety. There were those voices that spoke so loudly, sometimes without

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any evidence, sometimes without any basis, but one thing the Partnership always did was that we responded in a way to always show that if there was wrongdoing, that wrongdoers were dealt with. We always responded in a way that tried to restore public confidence and trust in institutions. It was the Government of the People's Partnership that empowered the people, that brought legislative change and amendments, not for the sake of dispossessing the people, but of empowering them.

And when you reflect—I do not know if the Leader of the Opposition truly appreciated the fullness of what she was saying when she said that in 1995 and in 1999 in particular, when this legislation for Freedom of Information Act came to the floor of our Parliament, that that was a dynamic change from all the country had known from its Independence to that time—[*Desk thumping*]

**Hon. Member:** Yes, yes.

**Mr. P. Ramadhar:**—when persons were suppressed in their jobs because of reports that were put against their name, hidden away from them. They had no idea. Member for Arima, why you were not promoted from time to time, you never knew why. Because somebody said something bad about you; they put it in a report. You had no access to that information. Decisions were taken on people's lives in secrecy and in darkness, [*Desk thumping*] and it was a United National Congress Government that put a whole new prospect and hope, and a future to this country, of a strengthened democracy. [*Desk thumping*] Not only that—

**Mr. Hinds:** That same AG brought down the same government.

**Mr. P. Ramadhar:** And he may have done so out of the best of intentions, but the evil that came after it will never be forgotten. [*Desk thumping*] And that is the point I am making. When Mr. Ramesh Lawrence Maharaj, the Attorney General, whom I have the greatest admiration and respect for, brought that legislation, it was not for the government—for the sake of power of the government—it was about diluting the insanity that the country had seen under a PNM rule for so many years, [*Desk thumping*] to allow the people to have access to information that sometimes determine the quality of their lives and their promotion.

But it was not the only bit of legislation. Which government was it that brought integrity legislation to the floor of the Parliament? It was because of a large component that put the NAR into power, the United National Congress. [*Desk thumping*] Which government was it that brought judicial review legislation to the Parliament so they had easier access so that you could challenge decisions of Ministers or public bodies? Not the PNM. Just the opposite.

And that is why it is important when, you know, we take the barrage—I sit on this side with my colleagues and every time we object to bad law you say “You are not patriotic”. Whenever you object to things that are wrong, that we are encouraging criminality. Well, nothing could be further from the truth. When we suggest in all of these legislative changes that you have joint select committees, you are against it. You do not like consultations. Tell me which joint select committee of this Parliament, Madam Speaker—if any of them could point to any legislation that went through a joint select committee that was worse when it came out of the joint select committee than it was when it went in. None. There is always improvement when we work together. When you brought anti-gang legislation, you scuffled it. [*Desk thumping*] We were so close, but you took a position, “four or nutten”. Well, guess what? “Yuh got nutten.”

**Madam Speaker:** Member, I have allowed you some leeway, but please come back to the matter at hand. Thank you.

**Mr. P. Ramadhar:** I am coming back. My friends were so liberal in their criticism of the Opposition but I will tell you what. There is hope. I have observed that the Leader of the Opposition—because that is what we are dealing with, you know, restoring confidence and trust, and not because you say it has to be right and because the Opposition says it is wrong. [*Desk thumping*] That is an arrogance that leads down to a deadly path which we repeat, democracy is under threat under this PNM Government, [*Desk thumping*] terribly under threat.

When you could bring legislation, not just about the SSA, but in other things—the Marriage Bill, let us not forget—this is the mosaic we are talking about. It started as a Constitution majority law, but because of a technical decision, you say it “doh” require the support of the Opposition. It is not about UNC, COP, PNM. If a government believes that there is no need for an Opposition, what do you have? Dictatorship. And this is one step and this is one weapon that you gave yourself, and this objection now is a shield to the population to protect us from you. And that is how important this bit of—thank you, Member for Naparima. Thank you for doing so, standing up in the face [*Desk thumping*] of what they will criticize and they condemn. They may have control of a lot of loud mouths and media exposure. They dominate on certain mornings. You “cyar” change a channel that is local without seeing—

**Madam Speaker:** Member, please come back to what is before us. Okay? Please come back to what is before us. Thank you.

**Mr. P. Ramadhar:** Sorry, Milady. It is just about that. The mosaic that the learned Attorney General spoke to is what I am referencing but from the other side of it,

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to show that it is a component here, and a bit there, and a bit there, and when you look at it, there is this tapestry that he has created this mosaic.

**Mrs. Persad-Bissessar SC:** Mosaic.

**Mr. P. Ramadhar:** Mosaic. You remember after the Second World War there was something called the Iron Curtain, where Berlin and East Germany, a country divided, a city in the middle that was without rights; without democracy in a sea of a westernized world, Trinidad and Tobago is not without its dangers—

**Madam Speaker:** Member for St. Augustine, your original 30 minutes are now up. You are entitled to 15 more minutes if you wish.

**Mr. P. Ramadhar:** I am most grateful to you Milady. We are on the point of what is it that the Government wishes to protect in relation to the SSA? In the very Act, the Freedom of Information Act, there are protections written in. It is obvious. It has stood the test of time, [*Desk thumping*] and the only damage—you know, the Leader of the Opposition, it is always good to hear you. If it truly was that the country had full information on Clico and the Central Bank, and so, if the country fully had information on the expenditure of foreign exchange and “who get it and who doh get it”, there would be a far more balanced society, a far more successful society. [*Desk thumping*]

But you know, Vernon De Lima used to always say that whatever happened in the dark “does” come out in the light, and I do not want years from now to find out that certain things were happening in the dark and come out in the light after we had to pay for it. I want to be in a position, if we are a Trinidad and Tobago with a Constitution, and this talk about we doing it together, “buh yuh doing it by yuhself in de dark, I doh want dat”. I want us to be able to help when you are making mistakes—“becor” we all make errors—to say this is wrong. We can fix this. We could do it.

This, Madam Speaker, is a seminal moment, because here we have an Opposition that has stood resolute in the face of condemnation by the loud voices I had started to speak about, and still stands strong. Whenever we find something is wrong, we say so. [*Desk thumping*] If we say it is right—if we find that it is right, we will tell you so. And this thing about the—the Attorney General went on a rampage to reference the murder of this child. How cheap could the politics be? [*Desk thumping*] The child murdered this week, body burnt, persons under arrest, no anti-gang legislation, but says that if they had it they would have prevented it?

This SSA, does any—whether it is Devant Maharaj, Anand Ramlogan, asking a question, stop them from their function of surveilling the real criminals, which they have gone on record—the Attorney General and this Government has boasted that they know who the criminal gang leaders are; they know where they are living, they know everything. But why are you not watching them? [*Desk thumping*] You want to watch the people who watching you? And that is what this is about. This is about blocking our eyes and our ears and stifling information.

**Mrs. Persad-Bissessar SC:** “Cokey eye.”

**Mr. P. Ramadhar:** “Cokey eye” or however, twisted, distorted views of things. Look, there is no danger to the SSA by finding out their budget or things like that. There is none. If there is a real issue of national security, then let the Judiciary decide, because it is to them that we go whenever there is a conflict between rights, between the State and a citizen, between citizens before corporation, before—you name it what. Whenever there is a conflict that cannot be resolved by speaking it out amongst yourself, you go to the court. So if it is that the SSA with this large budget, has an issue, let the courts decide. What is the problem there? If they are right, then there is no danger. If they are wrong, then they are strengthened, because then they will learn from their errors. This is what this is all about.

So, Madam Speaker, I am most grateful for the opportunity, and let me just say, as simple as it is, to have observed that something as important as this, Minister of National Security, I know you had no part in it. When was it laid in this Parliament, this exemption?

**Hon. Member:** The last day.

**Mr. P. Ramadhar:** Just before Christmas?

**Mrs. Persad-Bissessar SC:** Yes.

**Mr. P. Ramadhar:** In the hope that in our happiness for the birth of our Christ you would have killed us quietly without us paying attention to what was happening?

**Hon. Member:** Deception.

**Mr. P. Ramadhar:** It is deceptive. [*Interruption and laughter*] You could jump section 34. The Attorney General will tell us how he drafted that.

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So, Madam Speaker, this might seem—what shall I say?—is by negative resolution, and if it was not for the very observant Opposition and the Member for Naparima, this could have gone very quietly so that when things go wrong you could not question it, I do not want to live in a society like that.

I thank you very much. [*Desk thumping*]

**Madam Speaker:** Member for Oropouche East. [*Desk thumping*]

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. I join this debate on the Motion filed by the Member for Naparima to indicate that today, in particular, I am not feeling the best—a bit unwell—but I wanted to stay notwithstanding the late hour to add my voice in defiance to the intention of the Government to tamper in such a vulgar and obscene manner with our freedoms, our rights and to undermine the very democratic fibre of this country. Madam Speaker, just to begin on the point that the Member for St. Augustine ended on, by our information it was December 13<sup>th</sup> or thereabout that this matter was gazetted and would have allowed a period for coming to Parliament for negative resolution by the 23<sup>rd</sup>, I believe, of January—of this month.

Madam Speaker, the matter came—on the 13<sup>th</sup> it was gazetted and would effectively become law unless nullified. It was a few days, of course, before Christmas and before—I think the Parliament had already had the last sitting before Christmas, and, therefore, the 23<sup>rd</sup> of January was upon us as the outward border for that. The Member for Naparima duly filed, pursuant to the law, a Motion for negative resolution. I understand that notice of this debate—notice that we will debate this matter today came yesterday. So it was yesterday that the Opposition was informed that we will debate this matter today, while you have until January 23<sup>rd</sup> to debate this matter. That, I believe, also speaks volumes for the approach that the Government used on this and other occasions. [*Interruption*]

**Mrs. Persad-Bissessar SC:** They starve us into—

**Dr. R. Moonilal:** Into?

**Mrs. Persad-Bissessar SC:** Starve us.

**Dr. R. Moonilal:** Yes. And if the Member for Arima has anything to do with this business, we could expect a jug of water as the night progresses. But it was this attempt, again, I want to highlight. You are doing matters like these, going under freedom of information to exempt critical institutions of the State from information disclosure, but you do it December 13<sup>th</sup>, gazetted, 23<sup>rd</sup> January, when



you have the Christmas, New Year; that is the time you can negativize. You file the Motion in Parliament, you tell the Opposition the day before the debate, tomorrow we are debating that. That by itself, speaks volumes about the approach on this matter.

Madam Speaker, I have had the opportunity, along with some colleagues on this side, particularly the Members for Siparia and St. Augustine, to serve on the National Security Council of this country, I believe, for five years plus. And when this matter arose I quickly enquired from colleagues who served with us, where was this coming from. Was this a matter when we were there that came to the fore? Was this a request from the security agency? Was this a request from the SSA? Was it a request from police? Was it a request from any other law enforcement body? Was this, in fact, part of an international arrangement that we had to comply with? And after interviewing about two or three of our former Ministers, and particularly those in the justice system, we all concluded that there was absolutely no mandate by any domestic or international agency to bring this. [*Desk thumping*]

**10.00 p.m.**

So why do you bring it? Why? What is the reason? Notwithstanding the abbreviated delivery by the Member for Naparima, I thought he actually made more sense than the Member for San Fernando West. [*Desk thumping*] I actually thought he made a better presentation because the Attorney General in two and a half years, more or less, has not—I submit that this Attorney General has not done much good for this country, but today you are doing a bad. You have not done much good, but today you are doing a bad. And from the presentation of the Attorney General I got the feeling that the Attorney General may not have been part of this, may not have wanted this to be where we are today, because clearly, the arguments advanced by the Attorney General suggest that he is not in favour of this, that he is not in favour of this measure. It came from elsewhere. We will have to connect the dots now.

The Member for Point Fortin, it could not have come from him either.

**Mr. Ramadhar:** No, he is a good man.

**Mr. Charles:** He is a decent man.

**Dr. R. Moonilal:** It could not. I do not think he is, but it could not have come from him either. I do not think so. But where is this coming from? So I waited for the Attorney General to tell us, look, we have a request from this agency, an

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international organization. The Attorney General did not. He came and told us, look we are acting pursuant to the law—the Freedom of Information Act, the President means the Cabinet, an Order is made by Cabinet, it goes to the President, and boom, that is the law But you know the Attorney General did not go the one extra distance to say that this is done and finalized by the Parliament, not by the Cabinet. The Parliament, through the instrument of negative resolution, finalized this matter, but there is a history that both the Member for St. Augustine and the wide-ranging address on this matter from the Member for Siparia, both touched on one matter.

Government, in 1999, gave birth to the Freedom of Information legislation and brought to bear a statutory instrument to give expression to a democratic yearning of decades before the UNC Government in 1999. So the Parliament created a law for information disclosure, transparency, openness, but do you know the structure of the law is that the Cabinet will lock down information? So Parliament opens the door for information, Cabinet locks it down. [*Desk thumping*] Because you go to Cabinet for information, blackout through exemptions and we heard the various exemptions over the years, but you come to Parliament for openness, transparency and the Attorney General did not tell us the final part of that point he was making. It is the Parliament that has to give final approval on this matter.

The Attorney General also stressed one or two cases, and I want to say in a nutshell and in a rather candid manner, to advise the Government, and the Attorney General in particular, you cannot make law for Ramdeen and Ramlogan. [*Desk thumping*] You cannot do it. You cannot pass law because of Anand Ramlogan and Gerald Ramdeen. You just cannot do it. It does not work like that in the real world. You must have a legitimate objective, a policy objective consistent with your programme, your manifesto, your philosophical commitment and so on. You just cannot make law because people in court—and that touches an important matter the Member for St. Augustine raised. I mean, this could be undermining the legal profession as well by the titular head of the Bar, calling into question the role of attorneys-at-law at the court, where the court is determining damages and cost—the lawyers do not determine that—and to call this grand sum—I took note you know—of 450,000 more or less, the grand sum that lawyers are getting in damages. So we have to get an information blockade, a shutdown, a blackout because lawyers going to court.

The matters raised by the Attorney General, they have nothing to do with the SSA. [*Desk thumping*] One matter raised has to do with a matter before the court

on the removal of the Governor of the Central Bank. It had nothing to do with the SSA, but the Attorney General quoting cost in that matter—[*Interruption*]

**Mr. Ramadhar:** What?

**Dr. R. Moonilal:** Yes, it had nothing to do with the SSA, that matter—and then making it out as if we need to stop lawyers going to court and we need to stop the court from giving damages and cost. So we now will blackout the SSA, but the SSA is a particular creature.

You see, every week or maybe more than once a week—I do not follow it so much—the police service in this country developed a culture now, a practice you can say, where they have press conferences which started under the Partnership administration, and you know senior police officers, some easily recognizable, others not, will go before the camera and give an update on what is happening particularly on critical cases, and so on, and statistics, and take questions from the media on where are we with the status of an important matter. Has anybody ever seen the SSA do a press conference and inform the population of the update on anything? [*Crosstalk*] We do not know. They could be in the House now. We do not know who they are. The Attorney General had his turn to talk and now he wants to disturb me, but I will address you although it is difficult to mute him.

Madam Speaker, I make this point because there was an important amendment to the SSA in 2016, referenced by the other side. The SSA, strictly speaking today, is not only an intelligence gathering organization. It is a *de facto* police organization [*Desk thumping*] headed by persons who are political appointees. The director or the deputy director, as the case may be, they are not appointed by the Public Service Commission, they are not appointed by the Statutory Authorities Service Commission. They are appointed by Cabinet and they may be seconded from the police service or elsewhere, but they are appointed by Cabinet. So the Cabinet of the ruling party appoints the director. That organization's mandate has changed dramatically. It is now conducting investigations on serious crimes and they spelt out what they meant by serious crime, and today there is an information blackout on an organization that can function as the Trinidad and Tobago Police Service. That is a very serious and dangerous matter, and I want to repeat what I said some months ago. When you make law you do not make law for yourself. You make law for another Government to operationalize. [*Desk thumping*]

Today, we learnt of this development at PLIPDECO where they discovered three active cameras in a locker room area where female employees are meant to have their meals and, yes, to change their clothes. It was discovered today. There was an

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uproar, work stoppage, the union was there, and so on. That is happening in the society today. And an organization that has a primary function—it started as intelligence—is now operating as police and they are now outside of freedom of information.

I had the opportunity, Madam Speaker, in preparing here, to look at a very important document I felt. It is a document from the House of Representatives in the United States, dated September 2013, that speaks to amendments to the Central Intelligence Agency Information Act of the United States, and the Central Intelligence Agency, or CIA as people know, operates as almost a world premier organization with intelligence gathering, and so on, and they have covert operations throughout the world using American taxpayers' dollars and I will quote a bit from it in a while. But you know what runs through here? Even when dealing within, strictly speaking, intelligence methods, covert operations, reports on spying, the democratic ideal is now taking root in America—over many years, not today alone—that they want information disclosure on that, on spying. The SSA in this country is already exempt, as the Member for Siparia said, under both the Freedom of Information Act and under the SSA as well, that you do not have to disclose. You are already exempt from intelligence, from policing, from crime, from security matters. In fact, we should be revisiting that. Given the changing nature of their work we should now be revisiting that. Not adding on more information blackout, we should be bringing openness and disclosure to an organization now [*Desk thumping*] because they are operating as the police with staff who we do not know.

In the police service you could find out who is the acting superintendent here or there. You will find out who is the sergeant, constable and corporal operating in Barrackpore, in Central, in Sangre Grande. You cannot find out who is gathering intelligence and working in the SSA. You cannot find out because of this blockage, because of your attempt today to restrict what really turns out to be financial and administrative information, not operational information. So a prisoner escapes, we know that the SSA will play some role in finding this escapee.

**Mr. Ramadhar:** We expect that.

**Dr. R. Moonilal:** We expect that. We “doh” want to know what “dey” doing. We “doh” want to know what car they using, where they going, what phone, what technology they using. That is already exempt. So what is your purpose of saying you cannot tell us who the director of the SSA is? You cannot say the staff

complement. You cannot tell us the moneys you are spending, whether it is on rental cars. We had a controversy, a scandal when we were in office over rental of vehicles without even having this type of information blackout.

Madam Speaker, you will be shocked to know that we had bills to pay regularly, hundreds of thousands of dollars for rental of vehicle. You did not know which vehicle, where, how, under what process, what procurement process was used. All you know is long before we came they were renting vehicles from person A and it continued. What is it being used for? We do not know and we cannot tell, but they come to the National Security Council, or to the Government, Cabinet, and say okay, pass X amount of money, we need to do this and that, and you do not have a clue what is happening from an administrative point of view. Not operationalized, administrative. So this is rooted in a bad motive that has long-term implications. Many colleagues opposite are new to this business, inexperienced in this business. You can have your own colleagues spying on you.

**Mrs. Persad-Bissessar SC:** They did it before.

**Dr. R. Moonilal:** Yeah. When we came into office in 2010—who can forget when the hon. Prime Minister stood in the House with papers, and documents, and files, and read out public officials, and some not even public who were the subject of interception—we had the files, we had the information. It came before us to see what was happening without oversight, and look at what is happening in the world today. All these scandals. Every week we are seeing some filthy looking type video and all kind of things, all kind of stories about public officials. They could be spying on people to know who is this one mistress, who is this one husband, who is this one banker. All of these things are possible because when you allow this type of dictatorial, clandestine, surreptitious activity, your own will spy on your own. That was it.

I mean every week now is some—you cannot touch your phone. It is as if some dirty video comes out. I do not know why people are sending me these things [*Laughter*] and to see the kind of scandals erupting by day.

**Mrs. Persad-Bissessar SC:** 360 degrees.

**Dr. R. Moonilal:** Yes, I never heard about this 360 degrees business in my life. I thought it was like a globe, an atlas or something. Madam Speaker, more is to come. I am told that we have more to come. More. So these things will end up biting the very hands that brought it to the Parliament. That is my point.

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Madam Speaker, in an interesting view it was representative Ted Weiss, W-E-I-S-S, who gave an interesting view on this matter of rolling back public access rights because there was an attempt as well in 2013 to rollback the public access to documents declassified by the CIA. It was an interesting debate that took place in the House of Representatives. It was the committee of the whole House, and an interesting point was made that, throughout history there has been this march, this campaign, to advance public access rights, and the Freedom of Information Act in America and in Trinidad was part of that campaign, it was the termination of that campaign to get rights.

Today, we must condemn restricting public access particularly to security agencies because they have the potential to do the most damage to participatory democracies. [*Desk thumping*] Yes, you may want to restrict access to financial institutions, business organizations of some kind I imagine, and so on, but not security agencies this way, where the issue is not crime fighting. I dare any Member to stand up. The Member for Laventille West appears as desirous of speaking tonight, but he will not speak where we can speak after him because their arguments cannot stand up. [*Desk thumping*] So they will wait until the Member for Naparima gets up to close the debate and they will speak after because their arguments cannot stand. So they have to talk when the Opposition is already exhausted.

You see, Madam Speaker, when you restrict rights to freedom of information, you are restricting the citizens' right to go to the court, because when you go to a court on a judicial review matter you cannot make a judicial review matter unless you may have had some information before upon which to challenge public institutions in the court. So you are undermining citizens' rights to access justice. [*Desk thumping*] This takes us back about 75 years now. This act today by the Attorney General takes this country back 60 to 75 years, where, when you are in Government and you are part of the bourgeoisie, the British Colonial Lords, anything you say is scripture, gospel. Not a dog bark. The ordinary plantation worker in the factory, and so on, cannot challenge a decision of the manager. That is the master and servant culture. You are taking this country to master/servant culture by this type of initiative, particularly where there is no cause.

If you had come to the Parliament and say listen, the reason for this is A, B, C, but you come to the Parliament to say Ramdeen collect money or Ramlogan in the courthouse. That is their job. If they are not in the courthouse they are not working. That is what they came to Parliament to tell us. The FIU exemptions—I am looking at the notes from the Attorney General and there was a fascinating

point he raised as well. He said look, freedom of information legislation hangs on the side of openness, but the SSA Act hangs on the side of closeness, because in the SSA Act, clearly, persons who are working there took an oath that they cannot disclose. But people who are in the civil service took an oath they cannot disclose either. That is a fundamentally different issue. When you are an employee of an organization—*[Interruption]*

**Mrs. Persad-Bissessar SC:** The police service.

**Dr. R. Moonilal:** Yeah. You cannot disclose information if you are a member of the police service. A civil servant in a particular area cannot disclose, Central Bank workers cannot disclose information, but that is fundamentally different from the public right to access information. *[Desk thumping]* And to come to try to “confoffle” and abuse our minds by saying that the SSA Act already leans towards non-disclosure, so what we are doing is consistent with the tenet of the Act. I mean, what is this? What is this?

The Member for San Fernando West is always annoyed with me because I do not take him seriously, but how could I when you argue that look, freedom of information is give information, SSA is do not give any. But it is the public’s right to access information is the issue; it is not the employee duty of secrecy. And I was bowled over by that one, Madam Speaker.

But, Madam Speaker, the American debate was very clear that a requester of information gets information from a public body, and depending on the information received, use that information for a legal challenge to public decision, to the decision of a public authority. It may be Government, it may be a state enterprise, whatever, and today—and they argued that by denying that information at the preliminary point, you undermine their right to justice because you may not be able to go to a judicial review matter unless you do not have the basic information upon which to make a judicial review case. So you are also undermining the judicial review process and rights enshrined in that body of law by doing this. And why? Because of Devant Maharaj? I have never heard this in my life. No substantive argument and came surreptitiously, stealthily maybe. He came stealthily. I would not say like a thief in the night, but stealthily to do that, thinking that we would be absorbed with Christmas festivities, New Year’s party and so on, and we would forget it.

Madam Speaker, discovery rights are also undermined. In legal processes there is a process to disclosure, and you have discovery rights in court. When you blackout information of an administrative organizational nature like this, you undermine discovery rights as well. How can the people of a country have oversight over

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state institutions if you have state institutions putting up barriers? And, Madam Speaker, this was a fascinating evening for me in another sense. You know before this debate—the debate is over now—there was a debate on a dental Order of some kind and I was taken aback by the Member for St. Joseph because he raised very serious issues of masculine prowess linked to dental services. I was concerned—

**Mr. Al-Faris:** 48(3), Madam Speaker.

**Dr. R. Moonilal:** But I did not even make the sentence yet.

**Madam Speaker:** No, no. Hon. Member for Oropouche East, we just concluded the debate on dental and you did not speak then, I am not going to allow you to go back into that debate. Okay? So please continue, but do not go back into that debate.

**Dr. R. Moonilal:** Madam Speaker, fine. I will put it this way. In a debate in Parliament one day the Member for St. Joseph made this point about why barriers? Why barriers? We have to remove barriers. We have in an undisclosed debate—[*Interruption*]

**Madam Speaker:** I will allow you some leeway. Please continue.

**Dr. R. Moonilal:** So one day in a debate the Member for St. Joseph begged this House to support him, and his main argument was we have to remove barriers. Why? And called in equity and so on. Now, in this matter we are putting up barriers [*Desk thumping*] and we are going for the information blockade and blackout motivated by no good cause that the Government could identify.

So, Madam Speaker, the arguments raised are meaningless and I want to advise the Government that another Government, an incoming Government—because this Government, two years plus coming up to two and a half already appears to be on their last legs. They are already on their last years—may just decide to repeal this, to throw it away, because no amount of artful language of the Member for San Fernando West could convince us that this is relevant to crime fighting. [*Desk thumping*] You see, Madam Speaker, at first glance when we heard of an Order of the SSA, all of us immediately assumed this had to do with crime fighting, and an Order that deals with crime fighting we have a serious interest in that. This has nothing to do with crime fighting. This has to do with participatory democracy and removing citizens' access to public documents. In an area, where we were told earlier by the Member for Siparia, in two years this organization may have spent \$300 million that they cannot account for, and under



this initiative now, this Order, will not be asked to account for. Could you imagine now \$300 million and you cannot account for it, you cannot ask questions? Not that the Government may reply and say look annual reports will be filed. Well, that is another story because they have not been filed, the matter is before the court and so on.

They may report that look, the annual reports are to be filed, but annual reports are filed in the Parliament from every agency. We all know as Members of Parliament—I think it was last week when we met here for the first time after a long time, the Member for Diego Martin North/East, Finance Minister, got up to read a report filed on an agency from 2005, then one from 2006, one from 2007. So you cannot lean back on the pillar that annual reports are to be filed. So do not worry, you will find out everything. You will find out everything 10 years later when a billion dollars or more would have been spent. So it is no excuse and no substitute to tell the country tonight that annual reports would be filed so you will get information, because clearly the history has been that annual reports are not timely for whatever reason. I do not want to get into that. But the citizen at the moment in time they can go and get freedom of information. You have a time limit within that, I think it is a few days, you have a reply, you have a—you can challenge that as well, Madam Speaker, and how much useful information citizens have had using that instrument?

Madam Speaker, I can give two examples. I do not want to be long on it, but within recent time it was the freedom of information request.

**Madam Speaker:** Hon. Member for Oropouche East, your original 30 minutes are now expired. You are entitled to 15 more minutes. You may proceed.

**Dr. R. Moonilal:** Thank you. Madam Speaker, I am asking the Government not to underestimate from the point of view of democracy, openness, transparency and accountability, the power of freedom of information. Yes, parliamentarians can come in the Parliament—and we have now, not only questions for written and oral, but urgent questions, and we can do that immediately. But we are the Members of Parliament, forty of us or so, 41 of us. What about the other 1.3 million people? They are not in Parliament. They cannot file a question for urgent answer. They have an instrument, freedom of information. This is what they have and you undermine that.

Madam Speaker, the last administration, we had the honour of working on revising the Standing Orders to put Urgent Questions on the Order Paper. It was not so before. It was recently under freedom of information requests that state

enterprise had to disclose who they hire, when did they hire a consultancy firm, at what cost, and those matters may well find their way to the court, but with a blackout on information the citizens cannot access the court, cannot access justice and will never know. You are building a secret organization. When abused by those in power this can easily become a “play ting” of those in power. Madam Speaker, power brings a lot of temptation. When the Ministers who strut around temporarily at St. Clair and at the Diplomatic Centre and they realize that they can call someone and trace everybody’s phone call, and get a phone record for the Member for San Fernando East, they can intercept anybody’s conversation, they will do it because they are unchecked. You will do it—[*Interruption*]

**Mrs. Persad-Bissessar SC:** They are already doing it.

**Dr. R. Moonilal:**—and they may already be doing it. Because the Government—and I want to make this point too. I think in two and a half years or more or less we have been hearing from Government Members opposite we know what you are wearing in your bedroom, we know who going to court, we know who doing this, we know who doing that. How you know? How you know? All of these revelations about all that you know, may be coming from sources that are unlawful, and today you want to put the icing on the cake to create your own “play ting” and have them exempt from answering questions, accountability on money—M-O-N-E-Y—because by the time the budget review comes along in September we have something called Finance Committee here. We go through a long phase with that. When you bring up the SSA, by that time everything done, everything finish. You cannot take those documents at that time and file action.

So, Madam Speaker, I think the American experience with the CIA deserves some consideration, where they are now moving in the United States to compel disclosure by the CIA and other related agencies, eh—not only on administrative matters, but on “secret matters” such as intelligence gathering methods. You know in America they had this crisis at a time, scandal over torturing people, and so on, and whether the American Government through the CIA or other agencies was involved in torture in defiance of international human rights conventions and so on. Do you know it was a fight in the Congress again that led to legislation to compel disclosure on those matters?

**10.30 p.m.**

So I do not want to pick on one agency so that American agencies, involved in the security, had to go to Parliament and at Congress and disclose prisoners, methods of treatment of prisoners, “that mean torture”. “Imagine look where they reach and we saying today, they spend \$300 million, yuh cyah ask no question.” Who is the

director of the SSA? Are we sure of that today? I am not sure of that. I heard at some time, it was a gentleman by the name of Mr. Robinson. We knew him some time ago I think, but I do not know if he is still there, I do not know. I do not know who replaced him, who is acting. [*Interruption*] They could be terminated without cause, this is not a public service organization. There is no trade union representing workers there. And you are saying now that their trips, “they take money and they travel” all over the world to attend conferences and so on and you are saying that you cannot provide a tea bag at the Ministry of Education, a pan of coffee at the Ministry of Education, but we cannot find out how much thousands and thousands of dollars you spent on foreign travel of officials of that, Madam Speaker. And this is where we are today.

So it will amount to a secret army, a plaything of those in power and it can be used for political work. These are organizations you have heard over the years in Haiti, in Grenada and other places. They have been used to terrorize and harass persons in opposition to the Government, not just Opposition Members because we have, in this society, people who are critics of the Government, they are not in Parliament, and these agencies can be used to spy, to harass, to undermine persons in opposition to the Government. And today, we must stand firm in complete defiance of this approach and again, I know there will be a Government speaker to come. Give us one good reason—outside of Ramdeen and Ramlogan and their cases, give us one reason why we should support or keep in effect that Order which runs contrary to the grain of democracy, of accountability, of openness and of participative democracy and the right to justice.

Madam Speaker, I thank you. [*Desk thumping*]

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. This Motion before us seems to—a lot to suggest that the Members on the other side have not, by any degree of the imagination, changed their intention from 2017, 2018 being a new year, to treat with issues to support the Government’s thrust to treat with crime and of course, criminality in Trinidad and Tobago.

One can see, Madam Speaker, when you look at today’s headline on the papers, on the *Express* of today’s date, it says and I am quoting with all due respect:

“Kamla willing to work with Government after surge in crime”

So it speaks to the Government saying one thing and a trend continues. A lot of smoke and mirrors but doing something completely different when we come

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to providing the necessary tools, the necessary equipment, necessary legislative framework to treat with crime.

The Motion placed before us today is truly about taking away, or attempting to do so, what is required when we treat with the intelligence of any nation. But before I do so, there are some questions I want to answer based on their contributions. And the Member for Siparia spoke to, in her contribution, with respect to the budget of the SSA being roughly about \$270 million and she wanted to know what that was being spent on. Just two examples I can give. One such expenditure is, in fact, completion of the Huawei project that was started under that Government and in our own analysis, it was overpriced and over cost, costing us about roughly \$118 million in balance of payment.

Additionally, the SSA has to pay a monthly fee of roughly US \$135,000 for a helicopter that we cannot use, one that was conditioned for executive travel, Madam Speaker, US \$135,000 a month in a contract that binds this Government for a period of five years. [*Interruption*] Of course. The executive helicopter was reconfigured under the last five years for executive travel. So that the expenditure, when looking under the SSA, has a lot to do with what was done in the five years preceding this Government.

Madam Speaker, I heard the Member for St. Augustine talk about the director and the appointment of the director and Cabinet appointed and so on as though he was not around between 2010 and 2015, as though he was not there and we had an understanding that during that time the director was appointed by Cabinet similarly to what was done now. [*Crosstalk*] The director, we had the whole Reshmi fiasco. We had the director who was appointed by the then Cabinet and it appears as though that that did not happen between 2010 and 2015, as though the SSA is now a new creature, that just came into being in September 2015. It was there before. There was a five-year period when there was a director appointed and I say there was the Reshmi fiasco. So we seem to be thinking, coming into this debate, appearing as though this is a new creature and it had never existed before.

But, Madam Speaker, what is important is to understand that the Strategic Services Agency, the SSA, is, in fact, the intelligence agency of Trinidad and Tobago. It is an agency under which the national intelligence agency resides, and in any jurisdiction, one of the strategic pillars in dealing with crime and criminality in criminal matters has to do with what we call the prediction pillar which is intelligence gathering. And, Madam Speaker, in terms of intelligence

gathering, there is a way in which it is so important that the agencies involved in that—and this is in any jurisdiction and I will draw some examples in a while—there must be a certain degree of secrecy that is important. There is a certain degree of secrecy that must be covered.

And therefore, Madam Speaker, we can go back to what we call the Hobbesian principle that in the state of nature, life is short, nasty and brutish; it is the war of all against all, and therefore, there is a social contract between the citizens and the state to give up some degree of that. And it is in that effect that we have seen that we have to give up some degree of our freedom, hence the reason why when we are dealing with intelligence and intelligence gathering, there is a certain kind of compromise and there must be some protection for these agencies in particular, the national intelligence agency under the SSA to carry out their business effectively and efficiently.

Madam Speaker, when we look at what is happening in other jurisdictions in comparative nature, one can look at Australia, for example. In Australia, the Australian Act effectively—in fact, the sections replicate sections 34, 25 and 26 of our Act and also provides added security of institution exclusion for their intelligence agencies. Australian security intelligence agencies refer to what is considered in the national interest. National interest in ensuring the highest level protection for classified national security information was the reason for the inclusion of an agency exemption in the original Act and it is the reason this exemption has remained largely untouched since that time. Because you see, Madam Speaker, when you are dealing with intelligence which is in fact—and we talk about intelligence collaboration, intelligence-led crime fighting, intelligence-led situation, there must be some protection for these agencies and persons who are involved in these agencies that they do not have the exposure to public involvement. This has happened not only in Australia but it continues in other jurisdictions.

We have seen the protection given to these agencies in the United Kingdom. We have seen it in the United Kingdom with respect to the security intelligence agency of the United Kingdom which—and we know and the AG mentioned it—while they are not considered as public authorities for the purpose of the FOIA, they are not under any duty to disclose any information under the Freedom of Information Act. And why that is so? It is because there is an understanding and acknowledgement that the nature of the duties involved in intelligence gathering has serious implications for those people. There must be some sort of protection that is given to these individuals. If you really want to and—if they have to

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perform their jobs effectively and efficiently, if they are to produce the kind of information, the kind of intelligence, to lead the kind of operations that can produce the kind of results for which they are designed to do, there must be some kind of protection, Madam Speaker, and therefore, to open these institutions to the Freedom of Information Act, to a large extent, will lead to some kind of compromise and therefore, destabilize the very institution that they are preparing to create.

Madam Speaker, you can also look at the United States of America and the Member for Oropouche East talked about the United States of America but he looked at one aspect of that. He looked at one area that there is, in fact, a move to open up certain investigations. But, Madam Speaker, in the United States, while there is an area where you can—for freedom of information to enquire into the central intelligence agencies, in the United States, there are classifications of these information which are subject to Executive Orders that cannot be—which is a difference. Subject to Executive Orders that cannot be and will not be open to public scrutiny.

So there is still a degree of protection afforded, notwithstanding in the United States, you can still ask certain questions under the Freedom of Information Act, the Executive Order prevents a degree of certain classified information from being open to the public that would not exist in this case. Therefore, it is important that when we look at issues in the United States, we look at its entirety and not just pull out what is relevant to our debate. So that when the Member for Oropouche East mentioned about the United States, he selectively took one area of it and left out the aspect of the classification of these information and with respect to the Executive Order's intervention insofar as that is concerned.

Madam Speaker, what is the main justification for this? What is the main justification for protecting the Strategic Services Agency? The main justification for this is that the degree of involvement of the individuals involved—we are talking about agencies, if you have to get information, if you get intelligence, there are times when you have to go, what we call into deep cover, covert operations and I am talking here not as a legal luminary, I am talking here from an operational standpoint, I am talking here from a security standpoint in terms of operations and this is the meat of this, not allowing—in getting into their Strategic Services Agency really is about, Madam Speaker, protecting the individuals because the agency was structured to deal with serious crimes, to bring a certain kind of level of intelligence at the highest level of our national security environment, to lead to specific operations.

And it is, therefore, imperative that in order to do their jobs effectively and efficiently, they are afforded the kind of protections. Because one could really understand that if they are involved in intelligence gathering, if they are involved in leading operations, therefore in order to—if they are exposed to public debate, to public enquiry, it can and it will lead to—hence the reason why in all jurisdictions and in most jurisdictions, whether it is the CIA, whether it is MI5 or the MI6, persons involved in these kinds of operations are protected and they must be protected by the State, there must be that degree of protection.

And hence the reason why, Madam Speaker, this attempt on the other side to annul the Freedom of Information Act is, in fact, contrary to supporting the fight against crime and criminality in Trinidad and Tobago. [*Desk thumping*] It is yet another measure, Madam Speaker, it is yet another measure closely related to their lack of support to the Anti-Gang Bill; it is a trend. It is a trend that says you say one thing outside there and then you come in the Parliament and you do something completely different. The mere idea that the Member for Naparima can bring this Motion to the House suggests to me again that he is not conscious, he is not conscious at all about what is happening in Trinidad and Tobago. [*Desk thumping*] He does not have an understanding of what is happening in Trinidad and Tobago and the reason why there must be that inter-agency support across the spectrum to deal with the issues of crime and criminality and violence in Trinidad and Tobago.

And if you want to open up your national intelligence organization or agencies, then it shows me there is a lack of understanding, there is a lack of understanding in the security environment, there is a lack of understanding how we treat with those issues that confront us. Even to bring a Motion simply as this, and I think the people of Trinidad and Tobago are seeing this and they are hearing this, [*Crosstalk*] I am sure they are seeing it and hearing this and the people of Trinidad and Tobago are not—Madam Speaker, we have intelligent people in Trinidad and Tobago that can see the trend. They can see the trend and the pattern and the kind of issues that are being brought to this Parliament by those on the other side. As I said, 2017, 2018 continues in the same vein. “Yuh say one thing outside and yuh come inside and yuh do something completely different.”

So Member for Naparima, you have showed quite clearly and I mean you are an international—so-called international relations expert and I am sure that you understand quite fully the international security environment. I am sure you understand the international security environment and you understand the dynamics. You understand the reason why intelligence agencies which have been

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there from time immemorial. Intelligence agency is something that has been there since in the days when they sent spies into Canaan; was the beginning of intelligence agencies, and they have always been protected. Even then they were protected and they are protected throughout in all jurisdictions because of the nature of the business that they do. The nature of what they do, they must be protected. They must be protected.

And so, Member for Naparima and Members on the other side, you are trying by your very Motion to destabilize the whole question of intelligence gathering in this country. [*Desk thumping*] You are trying to destabilize the question of—and a very important component in crime fighting is intelligence gathering, [*Crosstalk*] and you are here to raise a Motion to open up what is supposed to be an understanding, an area—intelligence gathering is something different from information. It is something that is determined, it is something that is bent on undercover operation, it is something that is bent in covert operations, and yet you are coming here to say that we must open it up to the public, we must let everybody understand what the intelligence—let us put your case for example.

Just imagine you said, let everybody know what the SSA is doing, well let everybody know what the national intelligence agency is doing. Open it up, tell us exactly “what yuh doing, when yuh doing, how yuh doing it and why yuh doing it that”. Tell us what you are doing. [*Interruption*] Yeah, as the Member for Oropouche East said, open a press conference and say “Tomorrow, ladies and gentlemen, we are going to have an operation. We have intelligence on Mr. X and Mr. B and Mr. C and if we—” and so open it up, open the freedom of information. How are you going to survive as a country? [*Desk thumping*] How are you going to do that to lead that kind of intelligence operations if you open up the national intelligence agency to operations? You cannot in no jurisdiction. It does not happen in the United States, it does not happen in Australia, it does not happen in the United Kingdom. It does not happen. [*Crosstalk*] It does not happen. Every country secures their intelligence, every country protects their intelligence agencies. Everyone does it. What is the difference in Trinidad and Tobago?

And if you are conscious, if you understand the dynamics, then the support, it should be readily available on both sides of the House. You know why? Because there is a certain sense of patriotism in this country that must be taking place. [*Desk thumping*] Must, there must be. There must be because we are talking about security and security of a certain kind of approach. There is a different kind of approach when you are dealing with security, in dealing with the security of the State. There is a security of the State, there is a difference and that understanding must lead to your behaviour.



So, Madam Speaker, this Motion, as far as I am concerned, from a Ministry of National Security standpoint, from a security standpoint, from the national interest of Trinidad and Tobago, this Motion, Madam Speaker, must be condemned in its entirety. [*Desk thumping*] This Motion must be condemned in its entirety because there is no way can you open up your intelligence agency to the public if you have to do your job effectively and efficiently. It cannot be; it cannot be done whatsoever.

Madam Speaker, and with that, I say I condemn this Motion. I condemn this Motion. I thank you. [*Desk thumping*]

**Mr. Rodney Charles** (*Naparima*): Madam Speaker, I rise belatedly to speak on this Motion but listening to the two speakers opposite, I am reminded of the Archbishop Anthony Pantin who told me and I quote him:

The Lord works in ministerial ways; His wonders to perform.

And it was on display this afternoon because—[*Interruption*] It is ministerial he said—when I listen to the Ministers, I now know why we are in the predicament that we are in. The hon. Attorney General, Member for San Fernando West, spoke profusely, at length and he has not yet given us one plausible reason for this legislation. [*Desk thumping*]

My friend from Point Fortin and he is an excellent gentleman—as I said, in the wrong party, and he is telling us that in every country, security and intelligence must be protected and in Trinidad and Tobago—it must be exempted, and he is saying in Trinidad and Tobago, we are asking for the SSA to be opened up to scrutiny to give out secrecy. Little did he know that they are—under the FOIA, there are certain categories of documents that are exempt from the general rule of access and they include the following and these points were raised by the honourable Leader from Siparia. And I have to tell him because when he spoke, he displayed an ignorance of this bit of information: that law enforcement is exempt; defence and security concerns are exempt and secrecy provisions provide for exemptions. So if I, Rodney Charles, the Member for Naparima, [*Crosstalk*] were to write the SSA and request information—[*Interruption*]

**Madam Speaker:** Order. Order.

**Mr. R. Charles:** If I were to request—thank you, Madam Speaker. If I were to request information today, the SSA can invoke the exempt provisions for documents and not respond. If I go to the court, then it brings the judicial review and in our society, the Judiciary acts as the arbiter of the rights of citizens and the

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powers of the Government. [*Desk thumping*] But basically, this is a debate about the citizens' right to know on the one hand and Government's secrecy and Government operating as a cloistered virtue.

Madam Speaker, it was Thomas Jefferson, if we want to go philosophically. He said:

Whenever the people are well informed, they can be trusted with their own government; that whenever things get so far wrong as to attract their notice, they may be relied on just to protect their rights.

So, Madam Speaker, Thomas Jefferson is talking about the right to know. An informed GATE-educated Trinidad population will not stand idly by and allow the Government to operate in secrecy. It was Wendell Phillips who said eternal vigilance is the price of liberty. We, on this side, will live up to our mandate and ensure that the rights of the citizens are protected by every piece of legislation that comes to this Parliament. [*Desk thumping*] It was Benjamin Franklin who said:

They can give up essential liberty to obtain a little temporary safety—

And we are talking about security and they are clouding this argument to say if we exempt the entire organization of the SSA, murders will stop and we would be able to solve crime, et cetera, and Benjamin Franklin is saying that:

They can give up essential liberty to obtain a little temporary safety, and those who do that, deserve neither liberty nor safety.

So, Madam Speaker, there is a whole plethora of philosophical ideas and ideals that speak to the way a democracy is supposed to operate and it is supposed to be a light where we can see, get information and make informed decisions as a citizen.

I learnt from the hon. Member for Siparia—and I say the Lord works in ministerial ways; it is mysterious in other fora, ministerial in this fora—that a number of institutions and organizations have been exempt from the Freedom of Information Act and 90 per cent of these exemptions were done by the People's National Movement. The only one that I have here that was done by the UNC was the Witness Protection Programme. It was called the Justice Protection Programme and that is manifestly obvious why we need to not have a light shone on the persons who are in the Witness Protection Programme. Madam Speaker, it seems to me that there is something in the DNA of the PNM, something in the DNA of the PNM that speaks to a cloistered virtue, that the citizens ought not to know, that we cannot trust the citizens, and it was John Milton in *Areopagitica* who said and he said:

Let various views contend in the marketplace of ideas and truth will persist.

[*Desk thumping*] He is saying let us have an informed citizenry.

When the Freedom of Information Act was brought into Parliament and it was *Hansard*, Friday April 30, 1999, Ramesh Lawrence Maharaj, he is quoted as saying that this Bill would give to an individual a legally enforceable statutory right to know about and have access to state held information. It gives them a right, not a total absolute right but a right to know. The Bill would also give an individual a statutory legally enforceable right to know what information is held about him or her in state records and it would give him a legally enforceable right to have inaccurate personal information corrected.

**11.00 p.m.**

Madam Speaker, I am at a little loss to find out what it is that, as a citizen, I cannot have an entitlement to know about aspects of the SSA that are not related to intelligence gathering, that are not related to terrorism, that are not related to money laundering and those issues. But there are a host of things that we need to know. It was the Member for Siparia who indicated to us that there are close to five hundred million of my taxpayer's dollars that are being used by this SSA, that would be used after the end of 2018, and I have no right, if this is passed, to ask a question about how that money is spent? What kind of democracy is envisaged by this Government, when it comes to how we shall function as a 21<sup>st</sup> Century democracy?

There are some pieces of information that would help the citizenry come to an informed decision, that have nothing to do with all the points that were raised by the Member for Point Fortin. For example, what are the hiring practices and dismissal policies of the SSA? What is wrong with the citizens finding out how did moneys and the taxes and the VAT and all the onerous taxes that are imposed by the Minister of Finance—Why can I not have an inherent right to know how that money is being spent in the SSA? What about its promotional policies? What about its pay structure and the rationale for the pay structure? What is wrong with finding out how is the budgetary allocation being spent, given reports that employees have nothing to do? And I will quote later, employees who got terminated who said that there are people in there who have nothing to do. I need to know that as a citizen. What steps are being taken to avoid undue political influence?

That is a valid question by an informed citizenry who have to make decisions concerning the way we operate. We on this side have a fundamental belief in the

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rights of the individual to know. It appears that on that side, on the Government side, the assumption is that security matters and other matters are put in the forefront to prevent us from getting information.

I would like to know, as a citizen of this country, the quantifiable impact on the reduction of serious crimes by the SSA. I am not asking for details of who provided information to whom, but I want to know about the outputs, and I have a right. I have a right as a citizen of Trinidad and Tobago to find out how my dollars are being spent. Nobody, nobody, will tell me that I will operate less than my compatriots in the United States, Canada and the United Kingdom.

(8) Interactions with other law enforcement agencies to avoid duplication and waste of moneys;

What is wrong with citizens of Trinidad and Tobago having access to that information?

(9) The numbers of citizens who are being surveilled;

I am using an American word.

**Mrs. Persad-Bissessar SC:** Intercepted.

**Mr. R. Charles:** Intercepted. In the United States there are mechanisms where they send it and the Congress could find out, particularly about United States citizens, who are under surveillance by the agencies. I will give you the information.

(10) I would like to ensure the accuracy of information held in your databases concerning citizens.

It is not fair. There is something inherently wrong with wrong information being held about any citizen of this country and the citizen has no right to know that information and to take steps to correct it.

But you see, I raise the point, Madam Speaker, there is something in the DNA of the PNM that needs to find out about people's activities, and to use this in political ways. I am reading from the *Hansard* of 12 November, 2012, page 332 to 335 and I am reading a contribution in Parliament by the—a Member for Siparia, then the Prime Minister of Trinidad and Tobago—and I am not in detail because it was mentioned before, and I am quoting her:

The information that I received suggests that sensitive information obtained through illegal wiretapping of phones of Government Ministers were being supplied to a certain Member of Parliament on the Opposition Bench.

A quote. She went on to give some names of people. But when you look at the names, you see the wide range of people who were being “spied upon”, for use of a better word. It includes, herself, Kamla Persad-Bissessar, Anand Ramlogan, Suruj Rambachan, Gerald Yetming, Winston Dookeran, et al. This was the political side—and the press.

Here we are talking, Madam Speaker. We are talking here—I come from a background of the media. The media is the fourth estate of government. We have the Legislature, the Executive, the Judiciary and the media. The media, in order to fulfil its function, has to have access to correct information so that they can keep the citizens informed, so that the citizens can make informed decisions, which is a prerequisite for a properly functioning First World democracy.

A Prime Minister, then, spoke about Peter O’Connor, Devant Maharaj, Ken Ali, Ian Alleyne. These were people spied upon by that agency. And on the PNM side, and this is the danger that you may think that you may be excluded from this surveillance. But then, it was former Government Ministers Donna Cox—and this is already in the Parliamentary records so it is not a new name I am calling—Penelope Beckles, Faris Al-Rawi and the present Opposition Leader Dr. Keith Rowley. So what we could see is a galloping institution that could interfere with our democracy, interfere with our privacy and interfere with our rights as a citizen of this functioning democracy. [*Desk thumping*] We on this side will shine a light of eternal vigilance on the legislation, any legislation that affects the rights of citizens of this country.

Madam Speaker, just to show you the kinds of issues, the kinds of problems we could face, I am speaking here from a *Newsday*, the 16<sup>th</sup> of November 2017, and the headline, “35 SSA workers fired.”

**Mrs. Persad-Bissessar SC:** When was this?

**Mr. R. Charles:** But, this was the 16<sup>th</sup> of November, 2017, *Newsday*. Hear what is reported, and I quote:

One said—this is one of the fired employees—he was told there was a belief that the 17 employees appeared not to be totally committed to the SSA and the Government.

Madam Speaker, these are citizens of the country articulating a perspective about this institution that we are told that we have no inherent right, we should not ask any questions about because they are doing intelligence-gathering activities. But they are saying, if you are not committed to the SSA, they feel and they have articulated, or to the Government, then they have no place in the SSA. Now,

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assuming this is true—and I am not saying it could be—it is. But assuming it is true, do we not need to have a mechanism in place to ensure that these statements are incorrect, or if they are correct, to correct them? Because we cannot have information like this floating in our society with no resolution. That leads to a disconnect with society. The centre cannot hold because there are people in the country who believe that institutions are not functioning in their interest. It goes on:

The terminated employees said the organization was being used as a political tool and only those who were favoured by some of the directors had been promised security of tenure.

Now I said, when I started I said that these are among the questions, the hiring and dismissal policies. That has nothing to do with intelligence and safety and providing security for the information and the protection of individuals of supplied information. Nothing to do, absolutely, with that. They go on:

Another affected worker said some of his colleagues who were not favoured by SSA directors reported for work but were given nothing to do.

Madam Speaker, that is my taxpayers' dollars. It is half a billion in these hard times. And we are—all of us are willing to pay our taxes. We are willing to play our part in helping the society come out of this problem.

**Mrs. Persad-Bissessar SC:** And eat no dinner.

**Mr. R. Charles:** And we are prepared even to eat no dinner if that is necessary. But what we are not prepared to do is to see our money going down the drain, so to speak, and we have no recourse; cannot ask a question. We “farse and outta place”. That was the type of parenting that occurred 50 years ago with my grandparents. Children must be seen and not heard. They must shut up. You are told what to do. Teachers used to tell me in primary school what to do, and we could not ask questions. We will ask questions on this side. [*Desk thumping*]

Madam Speaker, we were warned. We were warned. When this issue came up in Parliament, and I am reading from *Hansard* the 11<sup>th</sup> of September, 1995, page 688, it was Mr. Panday who said:

“I see from the piece of legislation that the director of the agency would be appointed by the President.”

And he continues:

“That means, and it has been admitted in this House—I think it is the Interpretation Act and in the Constitution—that that means the Cabinet.”

So the Cabinet is going to appoint the director. Right? The President is merely going to be the conduit for that. Who is going to be in control of the organization with such sensitive information and the director reporting to the Minister? What happens if the Government is involved in drugs? What is the agency going to do in a situation like that?

Madam Speaker, when I was at the UN, I recall attending a meeting and they were discussing how the FIUs and how the organizations, like intelligence agencies, are supposed to operate. One of the concerns they had is if you put, for example, if you are talking like the FIU and they have to report on a Minister who may be involved in drugs—I am not saying anybody here is—but if a Minister were to be involved in drugs and they have to report on him, but at the same time, there is an administrative link where they have to take directions, that may complicate the thing. And, therefore, we have, as a mature democracy, to work out systems—and we have the brains—systems and procedures to ensure that what we say we want we get. And there are no lines in-between, no noise in the process that limits our capability to operate as a First World society.

You really feel, Madam Speaker—when I sit with my friends from Singapore and whatnot, we are just as bright as them. But the difference is they are prepared to listen to other views. They are willing to listen to best practices, and they are humble enough to say sometimes, “We do not know and we need to use policies used elsewhere”.

This, having a director of the SSA taking instructions from the Minister is a recipe for a creeping dictatorship. Madam Speaker, we have to be careful in this country, because legislation—I think my colleague from Oropouche East, he made the point. When you make legislation you do not make it for today. You make it on the assumption that you will not be in power and you will not be totally in control. And I am just reading from Edmund Burke who said:

“There is no safety for honest men except by believing all possible evil of evil men.”

What he is saying is you have to assume that somewhere in the future a person could come into power who will have access to a director who has an agency with unlimited funds and who is doing intelligence and who is doing surveillance on

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citizens. What happens if that leader does not have—he has not imbibed democratic traditions? We have been lucky so far. But let it not be that this PNM Government created institutions and set the platform for persons who may not have the interest of the country at heart. It was in Trevor Sudama's *Hansard*, 11 September, 1995, page 716, he said:

“...when this report is laid in Parliament, what happens?”

Because this report, the SSA report is going to be laid in Parliament.

“...what happens? Where is the opportunity for Members of this House to question, on the basis of that report, the actions, operations and the intelligence gathering activities of the Strategic Services Agency?”

So what I am saying is not something new. People who have been involved in politics, the elders in politics in our society, are asking the same questions, except that this Government refuses to listen. Madam Speaker, I am warning, I am warning this Government that we are, in a number of areas, I am seeing a creeping dictatorship.

**Mr. Hinds:** On your Ouija board? [*Laughter*]

**Madam Speaker:** Order please.

**Mr. R. Charles:** I see, a concern I have, the number of senior retired Trinidad and Tobago Defence Force personnel who are now part of this Executive. Now, I mean there is no problem. But I am seeing a trend. These include the Minister of National Security, Ret. Maj. Gen., Edmund Dillon; former Minister of Public Utilities and Ret. Brig. Gen., Ancil Antoine; Brig. Gen., Ret., Anthony Phillips-Spencer, Ambassador to the US; Director of the SSA, I am assuming it is correct here, Ret. Col. George Robinson; and former ODPM Deputy Chief Executive Officer, Col. Dave Williams. I think he is retired. There are just too many ex-military officers in this Executive. I am saying that in the context of this legislation, which I am saying gives me a feeling of disquiet, a feeling of concern that somehow they are not thinking the things through.

Madam Speaker, I spoke about the DNA and the creeping dictatorship on the other side. It is in their history and I was there before, so I know whereof I speak. In 1962, a PNM Minister went to Woodbrook Police Station and took his stepson out. Now, this is relevant because this is all part of the creeping dictatorship we are seeing, as manifested in the SSA

**Madam Speaker:** The point about the creeping dictatorship has been made repeatedly, okay? And at this time, I think you should go on to your next point.



**Mr. R. Charles:** I will be guided, I will be guided. We spoke about oversight mechanisms in the United States. Madam Speaker, let me give this House some information. In the UK, and the Member for Point Fortin indicated that in the UK and in the United States there are no oversight mechanisms, there is absolute security and I said no, and I will tell you why. In the UK, there are many oversight mechanisms which include, one, independent commissioners are appointed for (a) intelligence services, (b) interception of communications with a requirement that they previously held high judicial office to oversee the Secretary of State's powers and to report to the Prime Minister. That is one.

Two, the independent commissioner for interception of communications oversees interception of communications and related activity to ensure that intelligence gathering is proportionate and not used excessively or inappropriately.

Three, that is not all. In the UK, an investigatory powers tribunal made up of legal professionals is available to investigate individuals' complaints about intelligence agencies activities. Why England—a citizen in England who has a complaint could go to a panel to find out about information about him and this cannot obtain in Trinidad and Tobago? Why do we see our citizens in Trinidad as less than equal? I continue. The tribunal complies with the requirements of the United Kingdom's Human Rights Act and the European Convention on Human Rights.

But there is another oversight mechanism, Madam Speaker. Oversight of the below bodies is performed by cross-party parliamentary committee, which membership comprises members from both Houses of Parliament. The committee is formed by legislation and its remit is to examine the expenditure, administration, and policies of the intelligence agencies. And they come here in Parliament and tell us that in the UK there is absolute secrecy with respect to the operations of the intelligence agencies.

In the United States, the CIA is akin to the SSA, as proposed. The CIA is also a non-law-enforcement body which provides independent national intelligence capabilities. The CIA acts under the direction of the National Security Council. Congressional oversight of the CIA is provided by separate committees in the House of Representatives and in the Senate. The Director of the CIA—"yuh see how First World countries operate, Madam Speaker, and jokey countries operate?" We give it to the Minister to appoint the director. In the United States, the Director of the CIA is nominated by the President, but is subject to confirmation by the Senate, ensuring that the director's experience and qualifications become part of the public debate for selection.

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Now, Madam Speaker, I worked at the UN. I sat with these people. We had discussions. When I have to talk about my SSA and they talk about their CIA, I have to recognize that they have systems in place that are superior to what operate in Trinidad and Tobago, under this PNM Government.

Madam Speaker, when I spoke about this secrecy and this feeling that there is no right to privacy and there is no right to information, et cetera, it was on the SSA Bill. I am reading from Senate, *Hansard* May 03, 2016. The Member for San Fernando West said, I quote, and this speaks to a mental frame. He says:

“...there is no enshrined right that is being infringed. We say specifically that there is no right to privacy as some people alleged exists in this jurisdiction, but which our courts do not recognize specifically so.”

Madam Speaker, it is becoming worrisome, as I said, about the *modus operandi* of this Government.

**Madam Speaker:** Hon. Member for Naparima, your original 30 minutes are now spent. You are entitled to 15 more minutes. Please, at this hour let us be careful, in terms of invoking the rule of tedious repetition.

**Mr. R. Charles:** Madam Speaker, nobody has spoken so far about nine reasons I am going to give now why this Motion of annulment on Legal Notice 151, which seeks to exempt the Strategic Services Agency from the application of the Freedom of Information Act. I am going to give nine reasons.

Reason one, and nobody, there is no tedious repetition, that increasingly we have an educated society. Given the expansion of tertiary education, our students are known worldwide and there is a thirst for knowledge and information to make informed decisions. I am saying that we have created an educated—we have opened that Pandora’s box and we cannot shut it at the level of the Executive.

Second point, and nobody has raised this point. Increasingly our bureaucracies and state agencies are spending millions of dollars. And Dr. Terrence Farrell comments in his post-resignation speech, he complained of, and I quote:

A public service still drowning in bureaucracy and inefficiency, unable to respond to the urgencies of reform in these tough economic times.

And it raised the questions of my concerns about this vast amount of money being put in what I would consider a spy agency.

Three, a creeping dictatorship as a growing global phenomenon. We are seeing even in the United States, we are seeing with the new administration certain developments that are causing disquiet among thinking elements in the US society.

Four, greater transparency and accountability as a factor of development in First World countries. They are going in the direction of more accountability, more transparency and we in Trinidad, at least the two years I have spent here, have seen a growing scenario where accountability and transparency are seen as secondary matters.

Madam Speaker, the fifth reason, the fact that legislation is not only made for 2018 or even 2020, but for the medium and long term and must be able to deal with whatever crises arise. I am not saying that we may have a Mugabe here in five years, 10 years' time. But we have to have institutions that are robust, that are independent, that are transparent, that could protect our grandchildren and we have—we must be concerned about that. That is our purpose here.

Sixth reason, increased alienation of our citizenry who do not feel part of the democratic process. The more you hide from me as a citizen, the more you feel you know and “I not good enough, is more times. Ah leave yuh alone.” And we must be concerned about this growing alienation. And in fact the crime that we see. When you talk to those fellas on the block, “Dey tell yuh dey not prepared tuh play part of the Babylon game. Dey not prepared tuh work had for \$80 a day when dey see people doing all kinds of things and getting away with it.”

If we do not manage that, we could do whatever we want; we could restrict rights, as we seem to be bent on doing, but we are going to have a society, as Chinua Achebe said: The centre will not hold.

Seven, the negative influence of lack of knowledge by citizens. If you do not give them information, gossip—something will move in to fill that vacuum: whether it is bacchanal, whether it is calypso, whether it is Massive Gosine, whatever it is, we either cede—If we cede that space of knowledge and information, then we might not be happy with the results we get.

Eight, Madam Speaker, the fourth estate and information as a driver of informed democracy. I have spoken about that. And nine, increased information that is accurate, timely and readily available can serve as a glue that can hold a divided country together. It was Naipaul who said everybody in Trinidad feels like a second-class citizen. And we need, the challenge for us on both sides, is to provide legislation that is understandable, comprehensive, transparent, so that people can feel part of this process.

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Madam Speaker, as I stand here I get a sense that it is “a we and dey”. There is a red and others. There is a sense of “who patriotic and who eh patriotic and all dat.” We want to be part of this country but you have to give us the legislation. You have to give us the thought, the intellect, the comprehensiveness, the expansiveness of the discourse that goes into the legislation and do not come here with fast talk and one-liners. “We overs dat”. All of us “overs dat”.

So, Madam Speaker, with no further ado, I plead with this Government not to go to the path of limiting citizens’ access to the activities and functions, policies and plans of the SSA, and I beg to move.

**The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds):** Madam Speaker, in accordance with Standing Order 46(2), I rise to treat with elements of the Motion as raised by the Member for Naparima. And I think, Madam Speaker, the grounds are not necessary, in submission.

You would have heard, Madam Speaker, serious allegations about this Government’s intent to subvert the Constitution and the democracy of our country. You would have heard Members on the other side tell this Government that we are not to be trusted and told the people in the country we are not to be trusted, that we operate in a veneer and a dark room of secrecy as we perpetrate all manners of evil against them, the people; and most of all that we use the SSA, the subject of discussion today, Madam Speaker, the Motion, as a private army, a mongoose gang.

Again, I am to repeat, I consider all of this tremendous hypocrisy. Because, Madam Speaker, the Member for Naparima tells us that we, under the law, have the power to hire the Director of the SSA; that law was in place for the entirety of the five years that they were in office and they did nothing to change it. They lived by it.

But more than that, more than that, they played with it. They fired the director they would have met. They hired Reshmi Ramnarine. They then hired Sureshdeen Persad. And today they speak as though that piece of law, which permits the present Government to hire on contract, the Director of the SSA, is the biggest problem in the world.

**11.30 p.m.**

Madam Speaker, without directing this to anyone or any group in particular just as the Member for Naparima asked questions, I am obliged to ask a few for the attention of this Parliament. In Trinidad and Tobago, who was it that introduced the killing

of witnesses in serious criminal matters? Who was it that introduced witness tampering at the ministerial level in this country? Who in this country introduced the concept and the practice of voter padding for the first time in Trinidad and Tobago?

**Mr. Lee:** Madam Speaker, 48(6), who is who?

**Hon. F. Hinds:** Who in this country—

**Hon. Member:** He did not call no names.

**Madam Speaker:** Please continue, Member.

**Hon. F. Hinds:** Thank you—

**Madam Speaker:** Member for Laventille West.

**Hon. F. Hinds:**—promoting thievery and corruption to a fine art in Trinidad and Tobago? Who?

**Mr. Charles:** Madam Speaker, 48(6), thievery.

**Hon. Member:** Who? You know the answer?

**Mr. Charles:** We know who he is referring to.

**Madam Speaker:** Members, I overruled the point of order. Please continue, Member for Laventille West.

**Hon. F. Hinds:** I thank you, I thank you. Who? We heard several submissions about how the country and my friends on the other side are supposed to have fear of the PNM and fear of this Government. Who is really supposed to fear who? That is the question. [*Desk thumping*] The first thing, and this is a fact, and I direct that at my friends on the other side. The first thing they did when they came to office in 2010 was to dismantle the Special Anti-Crime Unit of Trinidad and Tobago, an organization that was designed to deal with gangland and serious crime in Trinidad and Tobago, and to teach others to effect scientific methods in dealing with crime.

The next thing they did was to dismantle other aspects of the security platform; facial recognition at the airport, misuse of the expensive helicopters as the Minister of National Security told us today—

**Hon. Member:** Grabbers and jammers.

**Hon. F. Hinds:** Yes, the grabbers and jammers that were bought to intercept illegal planning and activity that are hurting the people of Trinidad and Tobago, that found itself in a box taking dust under that. And the Member for Siparia, I recall seeing

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her on TV, shortly within the first week of her coming into office as Prime Minister, telling the people of this country including the gangsters and criminals, do not use your cellphones because people tapping your phones.

**Hon. Member:** “Yep”.

**Hon. F. Hinds:** And then tell us today with great fanfare about, they have a duty to protect the rights, the Constitutional rights of citizens of this country. The actions on their part that I have just described is not about protecting, it was exposing the people of Trinidad and Tobago to crime, drug dealing and gangsterism because they dismantled the security platform that was supposed to protect them.

**Hon. Member:** True.

**Hon. F. Hinds:** Now the people are exposed to criminal activity, the likes of which we have not seen before. They left our institutions decimated and I heard quotations from various people coming from the Member for Naparima. I cannot quote, I cannot remember the author of these words but I can at best paraphrase, and let me tell you what was said by a wise man; “When you fail to protect the citizens and the righteous from criminals that bad, but when you start protecting the criminals against the people who they hurt well things really bad”. And that is in my submission what we experienced in this country for many years.

Madam Speaker, the Member for Naparima was supposed to have opened this debate and it flopped from the very start. God works not in ministerial ways, in mysterious ways. [*Laughter*] [*Desk thumping*] It started out with a flop. I do not know if he had a mental block or just a blocked head [*Laughter*] but it flopped, he blocked himself.

The Member for Siparia, as I told you a while ago told us a lot about secret society. Did she open up that secret society that is the SSA when they had the opportunity to do so as the Executive in this country? The answer is no. On the other hand, we got a certain, Julie Brown to recommend a certain Reshmi Ramnarine, a young girl with no background in security capacity—

**Hon. Member:** A telephone operator—

**Hon. F. Hinds:**—a telephone operator, veritably so, to head the SSA. And then the Member for St. Augustine, he spoke and run away like a coward here this evening, he told us about he is worried about who appointing who today. He needs to be worried about what he sat in the Cabinet and oversaw when they were in government.

**Hon. Member:** That is right—

**Hon. F. Hinds:** They fired Peter Joseph as I told you, paid \$1 million in damages in a settlement very quietly, and then talking about wasting money. Fired Nigel Clement, fired Michael Maxima, a man of integrity and experience in the business. They mashed-up the security blanket in this country.

What we are doing by exempting the SSA from scrutiny by people who might use the information they get to harm the people of Trinidad and Tobago. Madam Speaker, we are actually—in fact, when we came and widened their mandate to include serious crime and now that we try to protect the intelligence gatherers, the SSA, what we are doing is strengthening and protecting the SSA.

And by providing them with resources, we give them strength not dismantle them, that had been the experience before. The Member for Oropouche East, told the Attorney General here today that he is making law for Ramdeen and Ramlogan, it is Ramesh who passed the law in 1999. So he cannot ram that foolishness down “we” throat. [*Laughter*] And we—it is he who said it.

Imagine I would learn that the Member for Oropouche East got himself a law degree. If he got GATE, I want it back. Because he, the Member for Oropouche East, told us as well that he was a member of the National Security Council for five years and told us this evening unashamedly and unabashedly that the SSA has never been heard to appear in a press conference, without considering for a moment with his semi learned in law self, that section 5 and section 8 make it illegal to disclose the activities of the SSA on the part of the SSA’s operators, and make it a criminal offence to so disclose. But he calls on them to make public appearances, and as for the Member for Naparima, who told us untruthfully that the Minister of National Security told us that the security operation is free and without check and balance in the United States, I heard the contribution of the Member for Point Fortin, he never said that, he never said that. Read *Hansard* and you will find it.

I want him to know, I chair the Joint Select Committee on National Security and we have had the SSA appear before us in public, in this country already, just like they do in the United States. So to suggest that it does not happen here is not the case. Thank you very much for recognizing that.

He spoke, the Member for Naparima, about how we spent \$500 million, a half billion dollars, he says on the SSA. They started the LifeSport Programme in this country with \$6 million and ballooned it to \$500 million, or to use his words, a

half a billion dollars. So when we the PNM Government spend \$500 million on the SSA to strengthen and to nourish it, they spent the \$500 million on LifeSport and it was a trail of blood and mayhem all over, particularly in east Trinidad—

**Hon. Member:** That was not to disrupt the elections?

**Hon. F. Hinds:** Misled a lot of young people and today we have a lot of young men in the jail and in the cemetery as a consequence of their half a billion dollars' worth of expenditure. So if I had to choose on spending half a billion between the SSA, so that they could do their work and protect the people of this country or spending it the way they did on LifeSport, I will spend it the PNM way every time, every time. [*Desk thumping*]

As for the Member for St. Augustine, Madam Speaker, he is saying that we wish to exempt the SSA and to create this veneer of secrecy, and even the Member for Naparima, what they fail to understand is that the law that was passed in 1995 that was in effect when they were in government, they lived with it, they lived by it, they operated on it, unimpeded you know. They did it. Section 35 of that law Madam Speaker, and I will just paraphrase it if I may, for the benefit of the citizens of the Republic. Section 35 of that law actually says and I quote:

“Notwithstanding any law to the contrary a public authority shall give access to an exempt document where there is reasonable evidence that significant—

- (a) abuse of authority or neglect in the performance of official duty; or
- (b) injustice to an individual; or
- (c) danger to the health or safety of an individual or of the public; or
- (d) unauthorized use of public funds, has or is likely to have occurred in the circumstances giving access to the document is justified in the public interest having regard both to any benefit and to any damage that may arise from doing so.”

All of that legalese is saying, even though documents are exempted under the very law in section 35, these documents are to be disclosed if they meet the conditions I have just read, and if they are not and a citizen goes to the court he or she can get an order of the court, as has happened, to have it disclosed.

But they are talking about secrecy, and the very law in front of them that they lived with for five years and did nothing about, tells us that. So all of this mayhem and noise, like seagulls, and that is not being pejorative, I am a lover of nature, but I recall a friend pointed out the seagull syndrome. Quiet beach in Tobago,



Charlotteville, peaceable, nice sunshine, cool breeze and suddenly a host of seagulls descend on the village making a whole lot of noise and leave the place in a sappy mess. That is the only way I think of the UNC's coming and leaving government [*Desk thumping*] and I call it "seagullism" UNC style, "seagullism". Double ten, I am being disturbed.

Madam Speaker, the Member for St. Augustine made a song and dance about the Director, as well being appointed by the Cabinet and how he takes directions from a Minister, and he asked where else he asks. Well as I told you, it was just like that under their watch.

Madam Speaker, you will recall a certain Master Sobhian-Awai called for an investigation into a certain case in this country, the Jamal Sambury matter—it is finished now, I can speak on it—and she called for that investigation because in her finding, sitting in the courtroom as a Master. she found that Jamal Sambury, not in person, but in terms of his case and the representation that came to the court, abused the process of the court with certain cut and paste documents. The then Solicitor General, as you will recall, Madam Speaker, wrote to the Prime Minister in 2012, I think it was, and the letter of complaint was sent to the accused, to use the word loosely and with a small "a". But we heard a lot today about former Attorney General, it was the Member for Oropouche East, who told this Parliament that our Attorney General is making the law for Ramdeen and Ramlogan.

**11.45 p.m.**

The lawyer involved in the case that I was speaking about a second ago was the said Gerald Ramdeen, who is a Senator in this Parliament appointed by the Leader of the Opposition, and they fear who we select. It is "we have to fraid" because nobody here is under police investigation, Madam Speaker, [*Interruption*] as far as I am aware. And the former Attorney General, Ramlogan, to whom he referred, is now before the court of this country accused of witness tampering, making history in this country, the first Attorney General so to be. Of all the lawyers in the country, the only one the Member for Siparia found as Prime Minister to appoint as Attorney General was Ramlogan, and the Member for Naparima pointing fingers at my Attorney General here today, a young, bright, able, law-loving, capable young man. [*Desk thumping*] I do not know about anybody else but I am the one who is afraid.

In respect of those matters, for the record, Madam Speaker, and for completion, permit me, the Director of Public Prosecutions, operating in

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accordance with section 90 and section 91 of the Constitution, made an intervention in that matter that I just referred to and said to us, and I am quoting the DPP—[*Interruption*]

**Madam Speaker:** Might I just ask, which matter is this, not the one that is pending?

**Hon. F. Hinds:** No, Milady, I would be far more skilful and considerate than that. I should never do that. I am talking about the matter in which Gerald Ramdeen, attorney-at-law, a point to which I shall shortly return, and I will show you why, the connectivity—I would show you why. The DPP told us, and I am quoting him, permit me to read:

I have perused the documents and I am of the unflinching view that there is more than sufficient material contained therein to warrant an investigation into the commission of several criminal offences, including conspiracy to pervert the course of public justice and conspiracy to defraud Trinidad and Tobago, the State of Trinidad.

[*Interruption*]

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

**Madam Speaker:** Please continue, Member for Laventille West.

**Hon. F. Hinds:** I thank you warmly for your protection, Madam Speaker. Those are words expressed not by the Prime Minister of the present Government, not by the Leader of the PNM, not by the Attorney General, not like from the Minister of Planning and Development, our Leader of Business in this House, but from the independent DPP, having looked at the documents in the matter and told us that he was of the unflinching view that criminal activity took place.

Notwithstanding that, we get commendation from the Member for Oropouche East about these gentlemen, and you know that was Donaldson-Honeywell, now Judge, former Solicitor General, complained to the Member for Siparia about those individuals being involved in, what she called, an unholy alliance; a dangerous triumvirate, to use my words. Today, the said former Attorney General, if I may be permitted a colloquialism, Madam Speaker, is the right-hand man of the Member for Siparia, and I spoke about LifeSport a while ago. When the matter came up in public again, a few months ago, the UNC had a meeting in Diego Martin the same night when they were supposed to have been vindicated from the LifeSport allegations. [*Interruption*]

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

**Madam Speaker:** Please continue, Member for Laventille West.

**Hon. F. Hinds:** Again, I wish to thank you.

They ran down to Diego Martin in great aplomb and celebration, and the Member for Siparia caused a former Minister of Sport, a certain Anil Roberts, to come on the platform and promised him to be a UNC Senator.

**Mr. Lee:** 48(1), relevance.

**Madam Speaker:** Continue please, Member for Laventille West.

**Hon. F. Hinds:** Thank you very much. I make all those points, they cannot understand the relevance, because some of the things they said about the PNM and the Attorney General here today, we are not selecting nobody like that. So the question is: Since they raised the question about fearing the PNM and how dangerous we are, who is supposed to fear who? Who?

The Member for Siparia, in her contribution, reminded us that in the current law, and I am talking about the Freedom of Information Act, Chap. 22:02—well, she got that wrong as well, she usually gets a lot of stuff wrong—[*Interruption*]

**Madam Speaker:** The hon. Member, please.

**Hon. F. Hinds:** The hon. Member, I am so sorry, let me withdraw that pronoun. Yes, the hon. Member told us that this would have been the third Exemption Order. Actually, this is the fifth, and I want to point out to you—well, let me say for the benefit of the public who may not understand what we are talking about, we passed the law, and every time, because the law permits the Minister to come to Parliament and to indicate a different aspect of the practice, under the law, that should be exempted from the demands of the Freedom of Information legislation. In other words, those are categories that ought not to be disclosed without more.

So since we passed this law in 1999, four Orders for exemption, and the Member for Siparia was severely critical on the Attorney General for coming with an exemption today to exempt the SSA from the rigours of freedom of information, in circumstances where it is quite clear to me, Madam Speaker, I do not know if to anyone else in this country, that there is a very horrible state of affairs. Just as the Solicitor General found, a vicious triumvirate, I see much more than that. I see people inside the public service. I see people in the practice of law

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who happened to be Senators, using their senatorial office. I have seen people who were in Government collected information while in the Government, write laws for the Government of their time, know the weaknesses of those laws, walk outside of Government and go and sue the country, the State, for weaknesses of the same law. I have seen all of that, so I know the wolves are at the door.

So when we should be commending the Attorney General for trying to protect the SSA from them—because I will tell you something, I have a case here, Madam Speaker, a case decided by the Court of Appeal. It is Civil Appeal No. 170 of 2008, and I will come back to this very shortly. This is the case of *Caribbean Information Access Limited v The Honourable Minister of National Security* dealing with the Freedom of Information law. The panel of three judges in the Court of the Appeal was Paula-Mae Weekes, Justice of Appeal as she then was, a woman of great stature and calibre, and legal prowess; [*Desk thumping*] Mr. Jamadar, Justice of Appeal, Peter Jamadar, and Mr. Nolan Breaux, both very astute, dignified jurists who are serving our country quite well. Appearances in that matter, meaning the lawyers, so the lawyer for the appellant, and the appellant is a company, a private company, Caribbean Information Access Limited, I did not find the time since this came before me to see who are the directors and who is behind it, but the lawyer for the appellant, or for Caribbean Information Access Limited, is a certain Mr. K. Kamta, and the lawyer for the State is a certain, N. Byam. I am telling you as a practitioner of the law, and from my anecdotal observation, you see this freedom of information regime, there is a certain lawyer, well-known to us, who made a living off of this. The idea was—

**Madam Speaker:** Member, please, observe—

**Hon. F. Hinds:** I thank you very warmly. Let me get it out of my hand.

Since the law permitted that any citizen, whether the matter concerned them or not, could file a freedom of information request or two, or 12; in this case it was 12, a certain lawyer, he filed many all over the place. The State has three months in order to respond to this request, and if it does not, it is in breach of its statutory duty, and that led to action after action after action in the court. And because the State did not keep the deadline, because of bureaucracy and getting information from the Minister of National Security or the Commissioner of Police, these things in the wheels of public service turned a little too slowly sometimes, is damages in the realm of \$40,000, \$60,000, and they make a living off of this. Listen, the wolves are at the door. We are in a troublesome place in this country. I told some young members of the Parliament staff today, Trinidad and Tobago is in serious trouble, and economic issues, money issues are the least of our problems. We have bigger problems than that.

But just to return, Madam Speaker, to this law, this will be the AG's efforts today to protect the SSA is the fifth incarnation of an Order for exemption, but the last of them, the one before today was issued in 2015, by who, the Member for Siparia and the UNC in Government. They came to the Parliament and said that they wanted to exempt the Justice Protection Programme, established under the Justice Protection Act, from the rigours of this programme. Why did they do that? Why would they do that? Because the advice they would have gotten, and it is obvious to the average citizen that if you have a justice programme, which is supposed to keep state witnesses safe, to secure murder, and other serious-crime convictions, you do not want anyone asking for information which will reveal the informants, which will reveal where they are located, or any information for that matter.

**Madam Speaker:** Hon. Member for Laventille West, your original 30 minutes are now up, you are entitled to 15 more minutes to complete your contribution.

**Hon. F. Hinds:** I thank you very much. I should make every use of it, Madam Speaker.

But the real reason why I raised this is because the Member for Siparia told this Parliament today that the reason why the Attorney General is bringing this Order, seeking this Order, which they are now hoping to nullify or negative, is because there is a matter that is in the court and he is trying to hit a first strike, a pre-emptive strike, so when we pass this the matter in the court would have been stymied. Well, this actually, Order, the last one brought by the UNC was actually in response to a court action, and that is why I call them without compunction, abject hypocrites who every right-thinking citizen of Trinidad and Tobago should fear. And in terms of one Order, the Member pointed out that Mr. Manning had exempted the FCB, the First Citizens Bank, as it then was, it is now called First Citizens, simpliciter; the Unit Trust—it is now called First Citizens, simpliciter with a small “s”, meaning simply that and nothing more. I know you have no hair on your head, I did not expect any inside, but, Madam Speaker I am being distracted. [*Desk thumping and laughter*] Madam Speaker—[*Interruption*]

**Madam Speaker:** Order. Order.

**Hon. F. Hinds:** Madam Speaker, I did not call anybody “tabla head”, why are you saying I said that? I did not say “tabla head”. [*Interruption*]

**Madam Speaker:** Please continue.

**Hon. F. Hinds:** I am thankful. Madam Speaker—[*Interruption*]

**Madam Speaker:** Members, it is late. Member for Laventille West, please ignore any distractions and continue with your contribution. Thank you.

**Hon. F. Hinds:** I thank you very much. Mr. Manning, may his soul rest in peace, he served this country and he served us very, very well, and the comparison between Mr. Manning, and any Prime Minister they produce is the difference between—

**Hon. Member:** Chalk and cheese.

**Hon. F. Hinds:** Not chalk and cheese, a baldhead and a Rasta. [*Desk thumping*] And that Mr. Manning exempted the First Citizens, the Unit Trust, the Agricultural Development Bank, the TTMF, Taurus, a collection agency; and NEDCO, another financial agency. And the reason for that is very simple, because the very law as it now is written allows exemptions when people's personal information and records will be made available, and they had their friends and their lawyer cohorts on the outside seeking information, and this brings me to a point that I must make in this debate before I retain my seat, Madam Speaker, if you would permit me. The fact of the matter is it is a whole operation at work, and they work like a gang.

**Mr. Charles:** 48(4).

**Hon. F. Hinds:** I did not call any names.

**Mr. Charles:** 48(4). I asked for a ruling, Madam Speaker.

**Madam Speaker:** Overruled. Please continue.

**Hon. F. Hinds:** I thank you. Let me repeat it, they operate—those who hope to hurt this country and to destroy our institutions, and who want to get information about people's private accounts in FCB, Unit Trust, ADB, TTMF, Taurus and NEDCO, they work like a gang with devious purposes.

I learnt recently in my observation of some of the intelligence work going on, one of the intelligence operators pointed out to me that if you searched a person's garbage bin you could tell a lot about that individual; whether they have a male baby in the house you are going to see blue pampers; whether they have a female you "go" see pink pampers; whether they smoke Broadway or they smoke du Maurier; whether they smoke tobacco rolled up because you see cigarette or Rizla paper; what foods they eat, what they do not eat. There is a lot from rubbish, and the Minister of National Security was telling us today, and the Attorney General too, that small bits of information, and this is why they do not understand much.

The Attorney General made mention on diverse occasions about the mosaic principle and mosaic prejudice. What does that mean? It means because a mosaic is like a, what we call a quilt. Long time, granny used to take some “crocus” bag and little bits—a tapestry—of all-coloured cloth, and she pulled the weaving needle through there, and then she puts on a little yellow piece here, pink piece, blue piece, and the next thing you have a beautiful tapestry. Information for terrorists and criminals is much like that.

Every little bit of information, however innocuous it may seem to you—I visited a jail in the United States and saw engineers working on the locks in the prison cells. They were trying to build them almost in an upside-down fashion because they discovered that the prisoners were urinating inside of the locks hoping that one day the salt content in urine will corrugate the innards, the workings of the lock, make it dysfunctional. Well, who knows, one day a cell could pop easily open. So every little bit of information, and all the Attorney General was telling us, using the language known to him as a fine learned attorney-at-law is the question of the mosaic principle, every little bit of information helps. So they want to know certain things about the SSA, but it may not mean anything to them, but it certainly will mean to others working outside the Parliament, and who mean to terrorize and to hurt us, and I use the word “terrorize” intently, because I have detected in some of the behaviours of which I speak boldly tonight, the mindset of a terrorist, criminogenic behaviour, criminogenic tendencies.

I heard the Prime Minister say recently in anger on the failure for us to pass the Anti-Gang Bill—in fact, the Member for Naparima was on television yesterday and he revealed to us, inadvertently, I am sure, or he just talks, he does not think too much. He told us that there were Members on his side who were deathly against the Anti-Gang law. He gave an example, he did not call a name, but I sat in the debate so I knew exactly who he was speaking about. He said there was a Member on his side who was arrested by the police years ago, and who was taken to court and he won the case because the offence was not known to law, maybe some untrained police “must be write” the wrong thing on the form. I do not want to go into that too much, but the point I am making is he revealed in so saying that some of this colleagues vote against law that is good for the people of Trinidad and Tobago because of their own personal circumstances. And that is what we mean by *ad hominem*, where they debate and they refuse to support law, not because it is not good for Trinidad and Tobago but because they fear how it will affect them and their friends, and to “France” was the rest of us. He is a man

*Freedom of Information Order, 2017*  
[HON. F. HINDS]

*Friday, January 12, 2018*

of foreign relations expertise so France “ent” too far. He met with Jean-Marie Le Pen’s daughter, Marine Le Pen, in the United States and had lunch with her. When the French Minister—[*Interruption*]

**Mr. Lee:** Madam Speaker, 48(1), what does that have to do with the—  
[*Crosstalk*]

**Madam Speaker:** I uphold the objection on irrelevance. Please, proceed on your other point.

**Hon. F. Hinds:** I am most grateful to you, Madam Speaker.

Madam Speaker, I am approaching the end of my contribution. I say, as Lord Denning once said, the law was made for man, not man for the law; put differently the law must be our servant, not our master. The law must be evolutionary because the society is changing, the circumstances are changing, new things happen, new phenomena arise in the society, and trust and believe me, the UNC is a new phenomenon. It is something that happened to this country. The UNC is something that happened to this country, something cataclysmic, and we must reshape the law to cope with the threat that cataclysmic things bring. [*Desk thumping*] This Order is to protect the SSA, its operatives, the work it does, from those who want that information, not because they do not enjoy democratic freedoms and rights in Trinidad and Tobago, because they do, they want it for a particular purpose. They want it to disrupt the smooth operation of this country to embarrass people because their focus is not on fighting the criminals, it is about their own limited myopic UNC approaches. So we have a duty to protect the public, and this Order is part of the way we express ourselves in so doing, because the SSA is an important institution, intelligence-gathering institution in relation to all serious crimes.

So, Madam Speaker, as I wind to my own conclusion, the Member for Siparia mentioned the Anti-Gang law, I was quite pleased when I heard that the Member for Siparia had a heart transplant. [*Interruption*]

**Mrs. Persad-Bissessar SC:** Not yet, but I am getting there.

**Hon. F. Hinds:** In metaphor that is, meaning the piece of stone that may have been behind a left pocket softened somewhat on the sadness of the occasion of the passing of young Joshua Andrews, whose father I spoke to this morning and yesterday, and whose funeral service will be on Monday, and the Minister of Education and I proposed to represent the Government and the Parliament by



being there. I understand from newspaper reports that the Member for Siparia was touched by that, whatever touches her, I am very, very happy. She is not easily touched. [*Interruption*]

**Mrs. Persad-Bissessar SC:** Thank God.

**Madam Speaker:** Member, I would ask you to, you know, be careful with what you are saying.

**Hon. F. Hinds:** I accept.

**Madam Speaker:** Yes, please.

**Hon. F. Hinds:** Madam Speaker, I accept your intonation lavishly, because I may only be partly correct so I would leave it.

But, Madam Speaker, the bottom line is that I am looking forward, just like we are doing today with this Order, so I reject the Motion to negative it. It is good for the SSA. It is good for crime management. It is good for the people of Trinidad and Tobago, and the Member for Naparima, ably supported and encouraged by the Member for Siparia, should join us today in voting against that Motion now that we have educated them and exposed their faces—exposed their faces, removed the silly masks so that the people of Trinidad and Tobago will see today that those teeth is not about a smile, it is fangs—[*Laughter*—in metaphor.

**Madam Speaker:** But even in metaphor you may still be considered unparliamentary, or running very, very close to being afoul of particular Standing Orders. So I know you are a man of words, I am sure you could find a better metaphor.

**Hon. F. Hinds:** I am obliged. Let me put it in very colloquial terms to conclude, “all skin-teeth eh no grin”.

So, Madam Speaker, on this side, I support the position taken by the Attorney General to resist the Motion, and we will all vote in resistance of it because, as I said, it is good for the SSA, it is good for crime-fighting, it is good for the people of Trinidad and Tobago. I thank you very warmly. [*Desk thumping*]

*Question put.*

**Hon. Member:** Division.

*The House divided:* Ayes 4            Noes 16

AYES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Karim, F.

NOES

Robinson Regis, Hon. C.

Al Rawi, Hon. F.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Gadsby-Dolly, Hon. Dr. N.

Smith, Hon. D.

Francis, Hon. Dr. L.

Olivierre, Miss N.

Antoine, Brig. Gen. A.

Leonce, A.

*Motion negatived.*

**12.15 a.m.**

**ADJOURNMENT**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**  
Thank you very kindly, Madam Speaker. I beg to move that this House do now adjourn to Friday, January 26, 2018, at 1.30 p.m. At that time it will be Private Members' Day, and I would ask the Chief Whip what we will be doing on that day please.

*Adjournment*

*Saturday, January 13, 2018*

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. On that day, which will be Private Member's Day, we will be doing—[*Interruption*]—Motion No. 2.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 12.16 a.m.*