



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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4th Session – 10th Parliament (Rep.) – Volume 27 – Number 32

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE WADE MARK  
SPEAKER

THE HONOURABLE NELA KHAN  
DEPUTY SPEAKER

**Friday 13th June, 2014**

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

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*Leave of Absence**Friday, June 13, 2014***HOUSE OF REPRESENTATIVES***Friday, June 13, 2014*

The House met at 10.00 a.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received the following communication from the following hon. Members: hon. Dr. Rupert Griffith, Member of Parliament for Toco/Sangre Grande, is out of the country and has asked to be excused from sittings of the House during the period June 06—15, 2014; hon. Winston Dookeran, Member of Parliament for Tunapuna, is out of the country and has asked to be excused from sittings of the House during the period June 10—22, 2014; hon. Patrick Manning, Member of Parliament for San Fernando East, is out of the country and has asked to be excused from sittings of the House during the period June 11 to July 11, 2014; Mrs. Paula Gopee-Scoon, Member of Parliament for Point Fortin and Miss Donna Cox, Member of Parliament for Laventille East/Morvant, have asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Telecommunications Authority of Trinidad and Tobago for the year ended September 30, 2007. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]
2. Fourth Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North-West Regional Health Authority for the year ended September 30, 1999. [*Hon. Dr. R. Moonilal*]
3. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North-West Regional Health Authority for the year ended September 30, 2000. [*Hon. Dr. R. Moonilal*]
4. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North-West Regional Health Authority for the year ended September 30, 2001. [*Hon. Dr. R. Moonilal*]

*Papers 1 to 4 referred to the Public Accounts Committee.*

5. Ministerial Response to the Fifteenth Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 2) on the Administration and Operations of the Trinidad and Tobago Electricity Commission. [*The Minister of Public Utilities (Hon. Nizam Baksh)*]

#### ORAL ANSWERS TO QUESTIONS

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, we are in a position to answer the questions on the Order Paper today. We can proceed. We are awaiting the arrival of the Minister of Finance and the Economy, but we can proceed.

#### National Carnival Commission (Details of Disbursement)

**131. Miss Marlene Mc Donald** (*Port of Spain South*) on behalf of Mr. Jack Warner (*Chaguanas West*) asked the hon. Minister of Arts and Multiculturalism:

- A. Could the Minister please provide a list of all disbursements by the Ministry of Arts and Multiculturalism and the National Carnival Commission to regional carnival committees, non-governmental organizations, community-based organizations and community groups for the holding of Carnival activities for the years 2013 and 2014?
- B. For each item in (A) above, could the Minister provide the registered or given address of the organization or group and details of the activities for which the grants were awarded?

**The Minister of Arts and Multiculturalism (Hon. Dr. Lincoln Douglas):** Thank you, Mr. Speaker. Question No. 131 on the Order Paper, I am asked to list all disbursements by the Ministry of Arts and Multiculturalism and the NCC to regional carnival committees, non-governmental organizations, community-based organizations and committee groups for the holding of Carnival activities 2013 and 2014.

Let me say, Mr. Speaker, at the onset that I am happy to really present this, because Carnival represents for us, not only the opportunity for the people of Trinidad and Tobago to express themselves, but our Government, the People's Partnership Government believe that Carnival is a serious industry, [*Desk thumping*] that could bring serious benefits to the economy and to the people of Trinidad and Tobago. Our organization charged with that, as is mentioned on the Order Paper here, is the National Carnival Commission, what we commonly know as the NCC.



Also, to let you know that the NCC has worked hard in terms of stringent procurement policies. A strong management team this year, for the first time in a series of years, going way back, that we were able to produce Carnival under budget, Mr. Speaker [*Desk thumping*] and has continued to participate—as the question rightly asked—with hundreds of organizations, over 52 regional Carnival bodies and hundreds of organizations. I say hundreds of organizations because I will proceed to list them, where they are, and the money they have received, as the question has asked; name of organization. I would say they asked for the address of these organizations and the grants that were awarded:

- Santa Cruz Touring Team, 93 Cantaro Crescent, Upper Santa Cruz, \$5,000

**Mr. Sharma:** You do not have the light pole number? [*Laughter*]

**Hon. Dr. L. Douglas:** Valsayn Trace Action Committee, 7 Valsayn Trace, St. Joseph, Annual Kiddies' Carnival Parade at Maracas Royal Road, St. Joseph, \$5,000;

- Children for a Better Tomorrow, East Dry River, Port of Spain, their job was to—what they did—this is only 2013 I am working on here—children's band entitled, "Remember the Times of Trinidad and Tobago", in which the children took part in the junior Carnival parade, 2013. The band was structured so that each section will depict some national icon; they received \$5,000;
- the Chinapoo Village Social and Welfare Organization, from one Trinity Avenue, Chinapoo Village, Mapp Lands, Morvant, and they produced a band called "Out of Africa" in which the children took part in a junior Carnival parade held in Morvant/Laventille Regional Carnival Committee. They were supported with \$3,000;
- the Maracas Bay United Social Sports Club and Cultural Organization from Maracas Bay, Maracas. They received \$5,000, produced a kiddies Carnival band which was entered in Port of Spain and also in the Maracas parade;
- 9 km, Penal Rock Road Community Council, from 752 Penal Rock Road, Penal, and they received \$3,000 for a Carnival jump up, starting point at Mr. Ramesh Kungbeharry residence, 752 Penal Rock Road to Rochard Road Junction, the event included a j'ouvert band, ole mas competition, kaiso competition and kiddies band;
- the Scout Association of Trinidad and Tobago, from No. 1 St. Ann's Road, St. Ann's, Port of Spain, and they had an annual Carnival extravaganza competition at the Scout Headquarters in St. Ann's, they received \$5,000;

*Oral Answers to Questions*  
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- Farmers' Band and Friends, No.1 Farmers' Lane, Paramin Village, Maraval, and they received—this was their fourth annual Paramin calypso competition—\$3,000;
- Cocoyea Early Childhood Care and Education Centre School, Cocoyea Community Centre, St. Andrew's Park West, had their 16th annual junior calypso competition and ole mas competition at Cocoyea Community Centre, \$5,000;
- the Morvant Youth and Environment Development Organization, corner Morvant Avenue and Lady Young Road, Morvant, they received \$5,000 for the fourth annual community Carnival activity held at Morvant basketball court. The event consisted of soca, chutney, comedy, steel band and mas.
- the "Twelve Tribes of Israel", 52 Sea Trace Extension, Diego Martin, they received \$7,000 for a calypso tent, "Tent No. 12" held at their headquarters;
- the D&R Simplex Complex, Light Pole No.—here is your light pole—59, North Road, New Grant, Princes Town, and they received \$10,000 for their annual calypso, soca chutney extravaganza at Nu Image Simplex Cultural Centre.

**Mr. Sharma:** I like the spread.

**Hon. Dr. L. Douglas:** You like the spread, seeing the north, south, east and west. From Morvant to New Grant, to Diego Martin—[*Interruption*]

- Cut and Clear Productions, 67A Ariapita Avenue, Port of Spain, the organization held the following events: music (making a statement), the backyard jam, 3canal show and the 3canal Jouvay, they received \$30,000 [*Desk thumping*]

**Hon. Member:** "You, Me and Gypsy was dey, man."

**Hon. Dr. L. Douglas:** I was there at that one, myself too.

- the Palm Tree Foundation, 3D-3E Delhi Road, Fyzabad—

**Hon. Member:** Aye-ya-yaye".

**Hon. Dr. L. Douglas:**—\$5,000, and they had a 2nd annual Carnival celebration which was an effort to bring rural communities, such as Oropouche, to participate in Carnival celebrations. Then you had—

- The 103FM, Level 4 Long Circular Mall, St. James, they had special programming for Carnival, \$10,000;

- Valencia Visitor Centre, 138 Eastern Main Road, Valencia, \$5,000 for youth calypso competition for students between the ages of 6—15;
- Inner City Cultural Committee, 27 Prince Street, Port of Spain, and the return to Port of Spain as a vibrant city, that was their theme, \$30,000;
- We Thing, Sea Trace, Pole Street, Diego Martin, \$3,000, the launch of jab-jab traditional masqueraders for approximately 75 people;
- Eccentric, 7 Stella Street, Curepe, \$3,000, Carnival presentation entitled “Dancing N Love”;
- David Cheltenham, Light Pole No. 63, 2nd Caledonia Extension, Morvant, funding for his CD, Rivers Music Studio, Carnival 2013, \$2,000;
- Curtis Kent, funding for recording of two songs, \$2,000.

So, we are mixing it up, Mr. Speaker, you know. Music, children, adults, Carenage, Diego, you know, we are going around the country and we are mixing up the kinds of things we are doing. [*Desk thumping*]

**Mr. Speaker:** May I ask how long you are going to mix up this one for, in terms of time—[*Laughter*—]because you have already taken up eight and a half minutes and you are still on 2013, so I would ask if you are going to be much longer, with the leave of the House, you take two more minutes and the rest could be circulated to Members and we go on. Because we have 12 more questions to pursue this morning, and we have until quarter to 11. So, if you are going to be very long, you could wrap up in two minutes and the rest of the answer could be circulated, and we go on to the next question.

**10.15 a.m.**

**Hon. Dr. L. Douglas:** I would not be long, Mr. Speaker. It is just a short—the Member wanted to know, and I do not want to deprive him of the privilege of hearing.

**Mr. Speaker:** Yes, well I do not want you to waste time. So continue, please.

**Hon. Dr. L. Douglas:** All right.

- “Who Is We”, 3-5 Beverly Hills, John John. Funding for traditional Mas band, \$3,000.
- Lady Hochoy Vocational Centre, Dunlop Drive, Cocorite. [*Desk thumping*] Funding for Carnival presentation entitled, “We talk”, which the theme is based on common T&T sayings and characters, \$20,000.

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- Raymond Musgrave. Funding for the production of two songs, \$2,500.
- Renegades Senior Members, the second Annual Mini Carnival Competition, \$10,000; and they are located, 138 Charlotte Street, Port of Spain.
- ISWE Community Developers, 32C Nelson Street, Port of Spain. Their 14<sup>th</sup> Annual Junior Calypso Competition, \$20,000.
- Natasha Nurse, from Bldg. 5—“I eh want tuh give people address too much, eh”, but this is from Target Road, Tunapuna. Funding for a CD compilation \$2,500.
- Dragon’s Keylemanjahro School of Arts and Culture. For organizing the Moco Jumbie and so forth. Funding for participation in Carnival 2013 parade, \$20,000.
- Red Army J’ouvert Band, \$7,075.
- Red Army J’ouvert Band in Chaguanas, \$4,000.
- Hybird Entertainment, for their Carnival hunters, Carnival themed scavenger hunt at QRC, \$10,000.
- Kerine Williams, funding for Carnival 2013 calypso, \$2,500.
- Sheldon Bullen, funding for Carnival 2013, \$2,500.
- C.A.R. Entertainment Annual Mayaro Carnival Monarch Party Competition, \$100,000.
- Dare2discover. Funding for Caribbean Mas Feeva which includes, ‘LIME’ Welcome Party, Pan-Jazz Concert, Mask all inclusive, Business Conference, Carnival Village and Street Parade, \$50,000.
- Mitch Pub, funding for J’ouvert band, \$4,000. I do not think the Member is interested in this answer, “nah”, Mr. Speaker.
- Mt. Hope Connections Ltd, funding for premier sailor Mas, \$5,000.
- Friends of the Port of Spain General Hospital, 8<sup>th</sup> Annual Carnival Semi-Inclusive Brunch at the Harvard Sports Club, \$7,000.
- Couva Police Youth Club. Funding for kiddies’ Carnival band entitled “Genie from the Enchanted Forest, \$5,000.

- Trinidad and Tobago Stickfighters Association. [*Desk thumping*] I do not know if you have been to the stickfighting this year, Mr. Speaker. Well that is a phenomenal experience. Last year it was in Debe, this year we moved it to Skinner Park, and “boy de place was real crowded”. It was “bois”. It was just “bois”. It was really nice. So \$25,000 for the stickfighting. If you have a chance, Mr. Speaker, I think you should go to the stickfighting. “I and all helped with the lil drumming and ting, to keep de energy up”. It was a good experience.
- Sobeit, 10 Dennis Mahabir Street, Woodbrook. Funding for Carnival of Aqua Centre, 2013, \$3,000.
- The Social Networking Committee, LP 36, Corbin Terrace, Upper St. Barb’s Road, Laventille. Funding for Carnival celebrations in the East Port of Spain community. Activities included, the official launch of Pan Round the Neck Competition, Calypso and Soca Competition and community concerts, \$15,000.
- Woodbrook Government Secondary School, 41-45 French Street. Annual Calypso Competition at the school, \$8,000.
- S.E.P.O.S. Cultural Workshop Inc, that is South/East Port of Spain, 39 Piccadilly Street. Carnival presentation entitled “Beneath the Sea”, \$10,000.
- Anthony James. Funding for song that pays homage to Keshon Walcott, \$4,000.
- Barataria/San Juan Rhythm Band. Funding for the purchase of musical instruments, \$8,000. So you see we are mixing it up, Mr. Speaker. Some people get to record that one song because it is a nice song. It is like support to Keshon Walcott, but yet it supports the art form of calypso. So “dey get a lil change for that, as the case might be. [*Desk thumping*] So we mixing it up.
- Gorly Boys and Associates Educational Cultural Club, 12 Rosslyn Street, Belmont. And that is to produce a section entitled “Style and Fair”, \$3,000.
- Brian Griffith, 15 Durant Street, Belmont. Funding for music for Panorama, \$5,000.
- Clive Telemaque. Music for Panorama, 2013, \$5,000.
- Dustan Lawrence, \$5,000.

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- Crosstown Carnival Committee, \$10,000 for funding for the Crosstown Carnival Committee’s cultural activities.
- Trinidad and Tobago Police Retirees Association. So even the retirees “gehing a lil ting”, Mr. Speaker. So we are mixing it up, old and young, east, west, north and south. Trinidad and Tobago Police Retirees Association, 18 Wrightson Road Port of Spain. They received \$8,000 for funding of a non-profit show and brunch.
- Funding for Carnival celebrations of the Trinidad and Tobago Prisons Service Sports and Recreational Club, 8 New Street, Port of Spain. They received \$20,000.
- Antoninus Barkley, Arouca. Funding for a Mas boot project in the community of Arouca, \$10,000.
- Trinidad and Tobago Red Cross Society, Wrightson Road Extension. Funding for the greatest show on earth at Queen’s Park Savannah, \$20,000.
- City of Port of Spain. Funding for Downtown Carnival—interesting to see the Mayor’s name show up here, Louis Lee Sing, the Mayor. That is a man who used to give me real pressure and I still like him—\$100,000.

**Hon. Member:** For Louis Lee Sing?

**Hon. Dr. L. Douglas:** For Louis Lee Sing. [*Crosstalk*] Yes, “anybody that ask me, does get something”.

- Eternal Light Community Vocational School. Funding for brunch at Green Meadows Orchard, Santa Cruz, \$3,000.
- The Outpost Recreational Club. Funding for Carnival events, \$8,000.
- Working Against Stigmatization and Poverty. We had a group that produced a Carnival band in that regard, \$5,000.
- Candida Julien. Funding for Carnival Mas designs, \$3,000.
- Gasparillo/Naparima Cultural Committee. Funding for the stickfighting programme, \$8,000.
- Boissiere Village Children’s Band. Boissiere Village is in your area, is part of you?

**Mrs. Thomas:** No, Colm Imbert.

**Hon. Dr. L. Douglas:** All right.

- Funding for Carnival presentation entitled the Passion for Pan, \$5,000.
- The Subaltern Corps Fund. Funding for J'ouvert band, \$6,000.
- Acres of Joy Foundation. Funding for Vintage Calypso Tent, \$8,000.
- St. Benedict's College. Funding for Junior Panorama Competition, \$5,000.

**Mr. Sharma:** You sounding like a political leader. [*Laughter*]

**Hon. Dr. L. Douglas:** Spektakula Promotions, 112-114 Picton Street, Newtown. Sponsorship for the Battle of the Sexes at the Jean Pierre Complex, \$75,000.

- The Arts Support Alliance, \$50,000 for Carnival Sunday, towards providing scholarships and grants to young artists. They had a fundraising event.
- National Chutney Foundation of Trinidad and Tobago. 2014, Secondary Schools National Carnival Chutney Soca Monarch Competition, \$100,000. That is 2013. That amounts to—[*Interruption*]

**Mr. Speaker:** Hon. Member, may I suggest that you circulate the rest in writing to the hon. Member for Chaguanas West and to other Members of the House, and we can proceed now to question No.—the next question is from the Member for Port of Spain North/St. Ann's West.

*Vide end of sitting for written part of the answer.*

#### **Equipment Stolen from Schools (Details of)/Security Cameras)**

**132. Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

A. Could the Minister state how many schools have been broken into and equipment stolen since January 2013?

B. Could the Minister further state:

- i) how many schools have been outfitted with security cameras;
- ii) whether it is his Ministry's intention to outfit all schools with security cameras; and
- iii) if so, when is the timeline for doing this?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you, Mr. Speaker. The question relates to CCTV cameras and security in schools. Since

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January 2013 to the present, within the last 17 to 18 months, we have had a marked reduction in the incidence of break-ins at the 900-plus schools in Trinidad: 476 primary, 134 secondary and over 200 Early Childhood Education Centres.

Prior to that, we had some significant break-ins, and we approached the MTS Company and worked with them to see how we could continuously reduce the number of break-ins. It is very sad that citizens choose to break into schools which are educating their children and their grandchildren. But nevertheless, this is where we are in society, that we have to secure schools and close to over \$200 million per year is spent just on security officers alone for securing the government secondary, the government primary and the government ECC. We have close to about 90 government secondary, close to 390 government primary, but we are securing through MTS—even the denominational boards primary schools, but the denominational boards secure their 43 secondary schools.

So out of the 85 government secondary schools, 60 of these have been outfitted with security cameras so far. A further eight are soon to be outfitted and we at the moment have before the Central Tenders Board a tender for the WIFI systems for all primary and secondary schools in the country, to improve the Internet connectivity to 25 megabytes for primary schools and 50 megabytes for secondary schools with dedicated fiber optic cabling; CCTV cameras for the other schools, and the primary schools as well. A digital portal for the schools connectivity so that we can bring all primary schools together in the information and communications technology, so that at one point all 400 primary schools can see what is going on from a central point and we can project one lecture to all primary schools. In addition, the secondary schools, we are doing the same. So the CCTV cameras for the primary schools are linked with the Central Tenders Board—tender that is now being looked at by the Central Tenders Board.

In terms of break-ins, Mr. Speaker, we have had 38 break-ins to the schools throughout Trinidad and Tobago within that 16 or 17-month period. And they include, DVD players, 2; 3 television sets; 1 radio; 4 standing fans; 16 wall mount industrial fans; 3 power tools; 1 computer that stays in, not the laptop that we give to the students; 5 fire extinguishers, people are stealing them; 8 speakers; 4 garden tools; \$585 in cash—must have been some principal having that there; 3 boxes of flash drives; 3 microwave ovens; 7 student desks and 122 auto workshop tools.

**10.30 a.m.**

It seems as though they are breaking in some of these schools where we are doing CVQs and Tech/Voc education.



So this is in the context of the wider security system that we have for all our schools in Trinidad and Tobago. Most of our secondary schools have between three to six security officers during the day. The approximate cost for having one security officer at a school is close to \$300,000 per one security officer, annually. So where a school has six security officers, it costs the taxpayers close to \$1.8 million just for security, for one secondary school with six security officers, and there is no school with less than three security officers during the day—that is, secondary schools—and therefore the approximate cost of that is about \$900,000.

So juxtapose the cost of security of \$1.8 million per secondary school annually versus what we provide for the school to run their business. The Ministry provides close to about—some schools get close to about \$2 million, and depending on the size of the school it ranges from \$800,000 to close to \$2 million, annually, where the principals manage their schools but with an accounting system under the Exchequer and Audit Act.

So juxtapose spending \$1.8 million for security for one school and providing \$2 million for education purposes, if we are able to move societal changes as we are doing now and improving security nationally, and reduction of crime, hopefully, one day, we will be able to transfer much more of that money which we use for security to the management for the education systems in our schools.

All our primary schools have at least one security officer and we are looking at probably improving that. In addition to that, every secondary school in Trinidad and Tobago now—the Government secondary schools—has two Health and Safety Security Officers. That is two Health and Safety Security Officers for every one of our Government secondary schools. The denominational boards manage their schools by themselves and they pay for their own security officers for themselves, but a grant is made to all denominational boards on an annual basis for the management of the schools.

To assist further in security systems in the school, every school in Trinidad and Tobago now has a school-based management team which works with the security officers, the Health and Safety Security Officers, the principal, a member from the student council, student alumni, parent/teachers association member, and we look to see whether the schools have TTUTA representatives. So they form a school-based management team and they work with the deans and the Health and Safety Security Officers and the security guards at the school to improve security at the schools.

So, Mr. Speaker, we continue to outfit all the secondary schools. At the moment, too, there is a tender that will close on June 30 for ensuring that there is

perimeter lighting or the perimeter fencing—that there is lighting around these areas and, of course, where there are no CCTV cameras, we would be introducing CCTV cameras.

So we have been working assiduously to make sure that all our schools are covered. Sixty out of the 85 Government secondary schools have CCTV cameras. Eight are being added now, so only about 17 we will need, and we will complete this before school reopens in September. There is a tender out for the CCTV cameras for the primary schools and the ECCE centres, so I was able to give an approximate costing to the State. So \$200 million for security officers, and then close to 180 Health and Safety Security Officers at an annual cost of about \$120,000 for one, so that is another \$21 million, nearly \$22 million, for Health and Safety Security Officers for the year.

So, Mr. Speaker, we continue to reduce the number of break-ins in the schools and give some comfort to the principals and to the communities and to the students when we continue to reduce this almost to nothing. We want to ask the national population to be vigilant as well, to protect their schools and protect their premises for the children. We have been able to reduce, significantly, as I indicated, the number of break-ins. We used to have millions and millions of dollars lost from schools, but we have tightened up the fencing, the lighting and, of course, the CCTV cameras.

Thank you, Mr. Speaker. [*Desk thumping*]

**Mrs. Mc Intosh:** Supplemental. Does the hon. Minister consider that the reduction of security personnel in schools during the daytime poses a risk to students' safety and, indeed, to safety of all those on the schools' compound?

**Hon. Dr. T. Gopeesingh:** There had been a process for the consideration of the rationalization of the security officers. Some areas had quite a lot and some areas needed more, so we worked with the MTS company about two months ago when this thing was up in the air and a lot of schools felt that their safety was being threatened, and some of those schools had about seven security officers. So we worked with the principals of the schools and we worked with MTS and that has been rationalized and all schools are taken care of in a proper manner.

**Mr. Speaker:** The hon. Member for Diego Martin Central.

**Dr. Browne:** Thank you, Mr. Speaker. To the hon. Minister, a supplemental. Does the Ministry of Education have a specific policy governing the use of these cameras in our schools? And if so, for example, what is the duration for which the

feeds are kept at the schools? Does it vary from school to school, or is there a set policy in this regard?

**Hon. Dr. T. Gopeesingh:** A lot of the schools we left the principals to work with us to install the CCTV cameras, and because of the costing, some of them will have it for a 48-hour period for the filming, and some will have it even longer. So the longer period you have to store the films on the CCTV cameras, it is much more expensive. So the principals determine, based on their cost, but we do have a policy in terms of ensuring that at least for 48 hours all schools which have the CCTV cameras must hold their tapes for 48 hours.

**Dr. Browne:** Thank you. Can the hon. Minister indicate whether any crimes have been detected thus far via the use of these video cameras?

**Hon. Dr. T. Gopeesingh:** Yes, they have used the technology and the CCTV cameras. I have to get the answer to that, but from my recollection, speaking with the security manager, a lot of the crimes in the schools, for instance, a number of shootings which are under police investigation—two security guards had been murdered—the CCTV cameras had been able to help in that, and I think these cases are ongoing so I cannot comment on that.

**Dr. Browne:** Thank you, hon. Minister. Very helpful. Can the hon. Minister indicate whether the feeds from these cameras have been provided to the police in those cases?

**Hon. Dr. T. Gopeesingh:** I am not too sure, Member for Diego Martin Central, I will have to find out. Now we have also strengthened the relationship between the Ministry of Education and the security apparatus—it is a question that you related to—we now have one security manager and we have about six or seven security coordinators from the Ministry of Education working with the security officers and working with MTS on a regular basis. So this thing is properly managed. I must say I feel very confident and very happy about the management of the security systems, but there is always room for improvement and we continue to work to improve.

### Construction of ECCE Centres

**133. Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister state when would ECCE centres be constructed in the following areas:

a) At Harpe Place, Teshea Terrace, East Dry River;

*Oral Answers to Questions*  
[HON. DR. T. GOPEESINGH]

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- b) Belmont;
- c) St. Ann's;
- d) In the Blanca, Upper Cascade Main Road, Cascade?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker and Members, the question raised the issue of the construction of ECCE centres for Port of Spain North/St. Ann's West. I think I had answered some of the questions, Member for Port of Spain North/St. Ann's West, in the past, while you were away, and it is on the *Hansard*. But I know I have been trying to make you very happy by ensuring that we as always—[*Interruption*]

**Hon. Member:** Look at that smile.

**Hon. Dr. T. Gopeesingh:** And you see smile on her face. I sent a little note to her about two weeks ago indicating that we have constructed, under the IDB programme, at No. 8 St. Ann's Gardens Road, St. Ann's, one ECCE centre. That is under construction, almost to be completed. Under the phase two which, hopefully, once we get no objection from the IDB, that process will probably take about a month—no objection from the supervising consultants and no objection for the contractors. They have to satisfy the IDB requirements which are: they have to be doing business for more than about \$12 million per year; the NIB statements have to be up to date and so on.

So contractors have to qualify based on the IDB requirements and within, probably, a month or six weeks, work will start on the Santa Cruz/La Sargesse Road and one Cascade Road, Port of Spain North/St. Ann's. I am not too sure whether it borders between Port of Spain North/St. Ann's West and St. Ann's East. And then there is another one—it may be in St. Ann's East—Bay Road in Maracas. That is St. Ann's East.

**Mrs. Mc Intosh:** Yes.

**Hon. Dr. T. Gopeesingh:** So these areas are being outfitted with early childhood education centres in the wider context of us having constructed at least 53 already, and 26 are going to start with this IDB. Your two that I mentioned are part of the 26 that will be on the IDB, and as we move forward, based on the demographic data and the data from the 2011 census where we are able to determine how many students are in particular areas, and we have data on the 2011 census, as well the indigent population, and the population where there is a little degree of poverty, we are ensuring that we work with that demography and the population to put ECCE centres across the country.

So, Mr. Speaker, we have built 53 already; 24 are in progress now; 26 are going to be starting with the IDB and, hopefully another 50. So by May 2015, we hope we would have been able to complete construction of close to about 150 early childhood education centres across the country. [*Desk thumping*]

Mr. Speaker, all through Trinidad and Tobago—and the Member for Point Fortin has been a part of this IDB, and I have spoken to the Member for Port of Spain South, the Spree Simon Centre, as well, but some of these areas want not only ECCE centres, but larger centres. So we are working with all Members of Parliament throughout Trinidad and Tobago for the provision of ECCE centres. Mr. Speaker, education knows no politics, it knows no bounds; there is accessibility and equity in education all through the country and no child will be left behind, Mr. Speaker. [*Desk thumping*]

**Mrs. Mc Intosh:** Hon. Minister, the question also identified East Dry River and Belmont. Can you tell me, if in your future plans, you have any intention of establishing or constructing Early Childhood Care and Education centres in these areas—Belmont and East Dry River?

**Hon. Dr. T. Gopeesingh:** All right. I will look into it and I will relate with you.

Mr. Speaker, just permit me—I know I have one minute, but it is important to indicate that for Port of Spain North/St. Ann's West, in our quest to ensure that all your schools in your constituency are taken care of, we have spent close to \$17,859,000 in Port of Spain North/St. Ann's West for repairs [*Desk thumping*] and maintenance for all the schools. So \$23,000 for repair to Harpe Place ECCE centre; for primary schools, \$4.899 million for repairs, and secondary schools, \$12.5 million for repairs in the constituency of Port of Spain North/St. Ann's West. We have spent close to \$17.859 million in repairs for the schools there.

Thank you.

**10.45 a.m.**

**Mr. Speaker:** Hon. Members, the remaining 10 questions will stand down and we will have them reappear on the Order Paper at the next sitting of the House.

#### EXPIRATION OF QUESTION TIME

*The following questions stood on the Order Paper:*

#### **Development/Upgrade of Recreational Grounds**

##### **(Details of)**

**134.** Could the hon. Minister of Local Government state when the following recreational ground would be developed/upgraded:

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- a) President's grounds, St. Ann's;
- b) Children's park and basketball court at Harpe Place, Teshea Terrace, East Dry River;
- c) Playground, Belmont Valley Road? [*Mrs. P. Mc Intosh*]

**First Citizens Bank Limited  
(Investigation into IPO Report)**

- 135.** A. With respect to the investigation into the handling of the IPO at First Citizens Bank Limited, did the hon. Minister of Finance and the Economy obtain the PricewaterhouseCoopers report which was commissioned?
- B. If yes, is the Minister prepared to lay this report in Parliament? *Dr.K. Rowley*]

**Chaguaramas Peninsula  
(Details of Lease Consideration)**

- 136.** A. Have any lands been leased to/offered for lease/being considered to be leased to any person in the Chaguaramas peninsula for agricultural purposes?
- B. If so, can the hon. Minister of Planning and Sustainable Development identify the location or locations, the acreages and the beneficiaries involved?
- C. If any lease has been entered into, what are the terms of such lease and when was Cabinet approval granted for any such lease?
- D. Are there any provisions for residents of Carenage, L'Anse Mitan and Pt. Cumana to access agricultural lands in the Chaguaramas area? [*Dr. K. Rowley*]

**Salaries Review Commission  
(Job Evaluation Exercise and Compensation Survey)**

- 137.** In its 89th Report of 2009, the Salaries Review Commission recommended that a job evaluation exercise and compensation survey be undertaken with respect to positions under its purview across the public service. Can the Minister of Public Administration state:
- a) whether this exercise and survey have yet commenced;
  - b) what are the specific objectives of the exercise and survey; and

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- c) has a date been determined for the completion of these exercises? [*Dr. K. Rowley*]

**St. Paul Street Recreation Grounds  
(Completion of)**

- 138.** Can the hon. Minister of Local Government state when will the recreation grounds located at St. Paul Street be completed? [*Miss M. Mc Donald*]

**Beetham Highway/Sea Lots Overpass  
(Construction of)**

- 139.** Can the hon. Minister of Works and Infrastructure state when will the overpass on the Beetham Highway in the vicinity of Sea Lots be constructed? [*Miss M. Mc Donald*]

**East Port of Spain  
(Construction/Refurbishment of Roads)**

- 140. A.** Is the hon. Minister of Works and Infrastructure aware that the former Minister of Works and Infrastructure gave an undertaking to construct/refurbish the following roads in East Port of Spain:

- a) Plaisance Road;
- b) Clifton Street;
- c) St. Paul Street;
- d) Siparia Hill; and
- e) Basilon Street?

- B.** If yes, can the Minister give a status report on same? [*Miss M. Mc Donald*]

**Installation of Street Lights  
(Details of)**

- 145.** Could the hon. Minister of Public Utilities state when would street lights be installed in the Evergreen Square west and north at East Grove Curepe? [*Mr. T. Deyalsingh*]

**Boundary Road Recreation Ground  
(Functional Lights)**

- 146.** Could the hon. Minister of Public Utilities state when would the lights installed at the Boundary Road Recreation Ground, Aranguez be functional,

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and which entity would be responsible for the payment of the resulting electricity bill? [*Mr. T. Deyalsingh*]

**Construction of Judicial Centres  
(Details of)**

**147.** With regard to the four judicial centres being built or going to be built in Carlsen Field, Siparia, Trincity and Sangre Grande, could the hon. Minister of Justice state:

- a) the name of the design architects;
- b) the cost of their employ;
- c) the estimated costs of the four centres; and
- d) the approximate date of completion of each centre? [*Mr. T. Deyalsingh*]

*Question time having expired, questions 134, 135, 136, 137, 138, 139, 140, 145, 146 and 147 were not dealt with.*

**MISCELLANEOUS PROVISIONS  
(ADMINISTRATION OF JUSTICE) BILL, 2014**

[Third Day]

*Order read for resuming adjourned debate on question [April 11, 2014]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** The list of speakers thus far on Friday, April 11, 2014: the hon. Attorney General, the Member of Parliament for Diego Martin North/East, the Member for Moruga/Tableland.

On May 09: the Member for St. Joseph, the Member for St. Augustine, the Member for La Brea, the Member for Barataria/San Juan, the Member for Point Fortin, the Member for La Horquetta/Talparo, the Member for Port of Spain North/St. Ann's West, the Member for St. Ann's East and the Member for Arouca/Maloney.

Anyone else who would like to join the debate can now do so. The hon. Member for Port of Spain South.

**Miss Marlene Mc Donald** (*Port of Spain South*): [*Desk thumping*] Thank you, Mr. Speaker, for the opportunity to join in this debate and, as you said, this debate got started since April 11, 2014 and the Government is proposing to amend seven pieces of legislation. Mr. Speaker, I get a sense, having read the Bill, that all the



amendments here are attempting to deal with an improvement in the administration of criminal justice in this country. Additionally, I also get a sense that this Bill is also attempting to build or increase the databases in the country with respect to DNA samples, and with respect to fingerprinting of individuals. Most of the amendments are dealing with the issues of evidence and evidence gathering, with the objective of having a successful prosecution.

I believe that over the years these deficiencies identified, which have been tabled here today as amendments, must have been the concern of the police, the DPP's office and, certainly, the courts in our system. But, Mr. Speaker, while some of the amendments can be justified, we on this bench have serious concerns over certain issues, and in time I will deal with those two issues: the issues of the DNA and the issues of fingerprinting.

You will recall, Mr. Speaker, as part of the Government's plan for crime reduction, is the overhauling of the criminal justice system in this country. They had planned—according to their policy statement, their manifesto—to re-engineer the justice system to ensure that justice was swift from the point of arrest to the final determination of all matters. But after four years, they still, Mr. Speaker, in my respectful view, cannot get it right and the evidence is there. Take for example, the repeal of the Administration of Justice (Indictable Proceedings) Act, No 20 of 2011. Having spent hours and hours of debate, we were then told last Friday—Friday, June 06—that the system of sufficiency hearing, which was introduced to replace the burdensome preliminary enquiry system, is now repealed and a new system of committal proceedings would be instituted.

Mr. Speaker, I see this as a complete waste of time, and I am of the firm view that this Government does not know what they are doing. [*Desk thumping*] Mr. Speaker, they are clueless and they are so egotistical that they cannot accept good advice and they continue to pass bad laws which would no doubt end up as challenges in the court. They are the ones bottlenecking the justice system in this country and I say that boldly today.

Mr. Speaker, when I read the Bill, I am going to look at the seven pieces of legislation. As I said before, I can see some justification for some of the amendments. We see no problems with the amendments to the Dangerous Drugs Act and that is clear. The Dangerous Drugs Act, Chap. 11:25, clause 6, of course, Mr. Speaker, except the use of marijuana by parliamentarians, certainly not.

**Mr. Speaker:** Please, please. Member, please. When you say the use of that drug by parliamentarians, are you imputing improper motives to parliamentarians

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here, or are you talking about parliamentarians on Mars? Well if it is Mars, then I can tell you we do not want to go Mars, but I am dealing with reality. I want to advise you, do not really use these broad sweeping remarks to impute in an indirect way hon. Members of this Parliament, or Members from the other House. That is a no, no. Okay? Please!

**Miss M. Mc Donald:** Thank you, Mr. Speaker. I am under advice, but it was just a proposal. [*Desk thumping*] It was certainly not meant to impute any improper motives against any of my colleagues on this side, be it on this bench, or on the Government Bench. I move on.

Mr. Speaker, section 5 says or it deals with the possession of and trafficking in the dangerous drugs. Section 5(7B), and this is the offending section. It says:

“A person who pleads guilty to, or is found guilty of an offence tried pursuant to sub-section 7(A) is liable to a fine of twenty-five thousand dollars and to imprisonment for five years.”

The Government now proposes a stiffer penalty of \$50,000, and this is the part that I think is the innovative part:

“...where there is evidence of the street value of the dangerous drug, three times the street value of the dangerous drug, whichever is greater, and to imprisonment for...ten years.”

Mr. Speaker, I think this is a reasonable amendment, and given the penalty and given the fact that the street value of some of the drugs being seized within recent times is so high, I think that this amendment is quite justifiable. I will give some examples:

- In December of 2013, there was a US \$640 million drug bust. The cocaine found—that is the cocaine found in the juice cans—it was 700 pounds of cocaine, with a street value of US \$100 million.

If the person, whoever, was caught, see what was going to happen? This would yield something like, according to this section, US \$300 million. Is that not so, AG?

- In September of 2011, marijuana was found in a 40-foot container carrying imported chicken at Point Lisas. The Police Service Public Affairs Unit quoted a street value as \$30 million.

Mr. Speaker, according to the section, a yield of \$90 million. All this will go to Government's coffers.

- In August of 2005, 1,749 kilos of cocaine was found by police on Monos Island with a street value of \$700 million.

Mr. Speaker, I think that this is quite justifiable.

Mr. Speaker, I turn my attention now to the Young Offenders Detention Act, Chap 13:05, clause 8, at page 24. This is an Act to provide for the reformation of young offenders and for their detention in an industrial institution.

What this Government is doing there at clause 8, they are repealing section 7(3), and section 7 deals with the power of the courts to pass sentence of detention in institutions. Section 7(3) is the offending section. It says:

“No such sentence passed by a Court of Summary Jurisdiction shall be carried into effect until it has been approved by the Minister...”

Mr. Speaker, what the Government is doing here is removing the restriction that the Minister must give his approval before a sentence passed by a Court of Summary Jurisdiction can be carried into effect, and really and truly, this has been long in coming. It is tantamount—7(3) in its present form is tantamount to ousting the jurisdiction of the court and, of course, I see it as an affront to the magistracy.

Mr. Speaker, the next piece of amendment, the Indictable Offences (Preliminary Enquiry) Act, Chap 12:01, clause 7, at page 23. This is an Act relating to preliminary enquiries into indictable offences by magistrates. Section 16 deals with taking of evidence for the prosecution. The Government now wishes to amend this section by including a particular sub-section 6 after sub-section 5 in the parent Act. But, Mr. Speaker, when I perused the Indictable Offences (Preliminary Enquiry) Act, did we not repeal this last week?

On April 11, the Attorney General came and the Attorney General tabled this amendment, and then here we are on June 06 in the same year, he repealed the Act, and when I perused the Indictable Offences (Committal Proceedings) Bill, which is the new one he brought last week, no mention was made of this amendment. I do not understand that, Attorney General. In April, you brought an amendment to that particular Act, Chap. 12:01, the Indictable Offences (Preliminary Enquiry), you come back now on June 06, in the same year and you repeal the entire Act including the same amendment you tabled in April.

Mr. Speaker, I have to say it is a truism that, again, this Government—and you will hear me saying it whole morning—does not know what it is doing, and it goes right back to a proper legislative agenda. What is worse is that the Members on the other side, they are totally oblivious to all these shortcomings. Mr. Speaker, many of them do not even read the Bill before coming to this House.

**Mr. Speaker:** No, you cannot assume that. [*Crosstalk*]

**11.00 a.m.**

**Mr. Speaker:** No, you cannot assume that.

**Miss M. Mc Donald:** Mr. Speaker, I am moving on. What I have to say is that I cannot understand—and the Attorney General needs to give this House an explanation as to why on April 11, he tabled an amendment to that Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01 and then on June 06, he comes back to this House, two months after, and repealed the entire Act, including the amendment he tabled. We need to get—that is wasting time—an explanation from the Attorney General.

The next piece of legislation is the Criminal Offences Act, Chap. 11:01. That is clause 5 at page 20. We do not have a problem on this bench with the amendment there because what that amendment is doing is introducing a new criminal offence of obstruction of justice to address the growing concern that perpetrators of crime have been able to escape justice especially through the use of intimidatory tactics against witnesses, jurors and other classes of persons involved in the criminal justice system, so we have no problem with this amendment.

But, Mr. Speaker, I recalled last year during our crime talks with the Government, we tabled—in fact, as a part of our 10-point—an amendment or a proposal concerning trespass. As a matter of fact, we call it home invasion. The purpose of that amendment actually was to deal with home invasion by gang members, not only in east Port of Spain but throughout the country. At that time, the Attorney General stated that the said amendment would be crafted and brought to this honourable House and he also told us—as a matter of fact, I am reading from his legislative proposals that he circulated in our meeting—that that particular issue about home invasion would be based on the UK eviction Act—and I can just read part just to remind him—where you are creating the offence of unlawful eviction of the owner/occupier of a dwelling house or apartment and then the penalty for so doing. Here it says in this section:

Residential occupier in relation to any premises means a person occupying the premises as a resident whether under any deed of ownership, contract or by virtue of any enactment or rule of law giving him the right to remain in occupation thereof.

If any person, by force, unlawfully and without a claim of right made in good faith, deprives the residential occupier of any premises of his occupation or possession of the premises or part thereof, commits an offence.

And it said:

A person who commits such an offence under this section is liable to one, on summary conviction to a fine of fifty thousand dollars and to imprisonment for a term of two years.

Mr. Speaker, this we welcomed when the Attorney General—and this I am reading from his legislative proposal here.

Because, weekly, in my constituency, I face the requests by members of my constituency about home invasion, people asking them to leave their apartment. It goes on not only in the Duncan Street area but also now in the Canada area, Pleasance Road. This is what we had discussed in our crime plan meetings and I would have expected that the Attorney General, when he tabled these miscellaneous provisions, you know, all these different Bills, I thought I would have seen this in here. That would have been an amendment to the Trespass Act, Chap. 11:07. So I would like to hear, when the Attorney General is wrapping up, his explanation.

Our areas of concern, Mr. Speaker, and I will take one at a time. The issue of fingerprinting and we are looking at clause 9 at page 24, and I am looking at the Police Service Act to start. For purposes of clarity, I would want to deal with the citizens of Trinidad and Tobago first and then non-citizens or visitors to Trinidad and Tobago. So let us look at Trinidad and Tobago citizens and how it is dealt with under the amendments in this Police Service Act, Chap. 15:01.

If we turn to the proposed section 50C (1) at page 26, it requires a police officer or an immigration officer:

“At all ports of entry into Trinidad and Tobago, a police officer or an immigration officer, under the Immigration Act shall take and record for the purpose of identification the fingerprint impression of-a citizen of Trinidad and Tobago without the consent of the citizen, where the citizen has been deported from any place outside of Trinidad and Tobago;”

Mr. Speaker, there are all sorts of reasons people may get deported and in many cases, they are not for criminal offences, and in some cases also, it is not even their fault why they got deported. So, I want to ask the Attorney General to look again at this and tell us whether he could not categorize the persons who are being deported. If they are criminals, one category; non-criminals, another category.

You see, Mr. Speaker, under this new law that the Attorney General is proposing, once you have been deported, whether you are a criminal or not, there

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you are, Mr. Speaker, rubbing shoulders, clasping hands, with criminals and non-criminals alike. What is even worse is that under section 50(4) and section 50(5), the data from the fingerprint impression—as I said, the objective is also not only to amend certain pieces of legislation to improve the criminal justice system, but it is also to increase the database of the police in this country. And so, sections 50(4) and (5), the data from the fingerprint impression would be transferred to the national fingerprint database. Further, the fingerprint impression collected shall not be destroyed but shall be retained by the commissioner, and the section is silent as to the length of time this fingerprint will be kept. We will talk about that a little later.

Now, assuming the reason a person got deported is that—and I will give you an example. Let me put an example. The last time I travelled to New York, in 2012, there was a lady on the flight; young lady, in her thirties. When she got to JFK, when she went to the immigration, apparently she did not fill out the address properly, whoever gave her the address on the New York side, it was not filled out properly. So maybe the zip code was off or some street was off or something—whatever they detected, and they began questioning her because it took some time for us to reach up to the line. The lady got very flustered and I recall, she said, “Let us go outside”, because the person would be on the outside waiting for her, whoever it was. She went to visit some sick person.

Mr. Speaker, by the time I cleared my luggage and I came out, the lady was there and about three or four officers around her, she was on the cell phone trying to locate the person who was due to meet her at JFK, and the last thing I knew was that they told her, “We will have to send you back on the next flight”, and they took her back on the inside.

Now, Mr. Speaker, what was the criminal offence there? What was the criminal offence there? It had a mix-up with the lady’s address. There was a definite mix-up with the address. So the thing about it is, in order—I know the Government is busy with the police trying to build databases but by classifying everyone, all persons deported as one, into one big group, as far as I am concerned, this is a retrograde step, and I will ask the Attorney General to step back a little and look at this proposal just a little again. Just sit and just look. I know they do not take us on, Mr. Speaker, but I am just asking that they look at this proposal.

Let us see how they are treating with non-citizens of Trinidad and Tobago and those would be your visitors. We go now to section 50C.(1)(b), that is on page 26 that:

“At all ports of entry...”—be it by the sea ports or by the airport, all persons—“entering Trinidad and Tobago who is not a citizen of Trinidad and Tobago”—would be fingerprinted—“for the purpose of identification the fingerprint impression of-”

The data arrived from the fingerprint impression would again be sent to the national fingerprint database, and this print would also be retained by the police commissioner, and there is nothing in the section which says for how long. So what is this Government trying to tell us today? The Government is telling us that in Trinidad and Tobago now, if this law should pass, that all Trinidadians and Tobagonians, once you have not been deported, you will not be fingerprinted on arrival in Trinidad and Tobago.

However, Mr. Speaker, for all visitors to Trinidad and Tobago, once you enter Trinidad and Tobago, whether by sea or whether by air, you shall be fingerprinted on arrival. These visitors, no doubt, would include our Caricom neighbours so I want to deal with our neighbours first. I ask the Government today are we sure this is what we want to do? I ask another question to the Attorney General, and the Prime Minister is here: will this augur good relations amongst our Caricom neighbours? What impact, Madam Prime Minister, will this new law have on our trade relations?

I want to share something with you. I went and researched a little bit to find out about Trinidad trading with our Caricom neighbours. For the period 2007—2011, and this is the period I am using—this five-year period—and these are the CSO figures. This is the last set of figures I could have gotten. Caricom area is one of the Trinidad and Tobago’s major markets for exports. Our exports to Caricom over that five-year period are, on average, 16 per cent and our imports from Caricom are only 2 per cent.

Let me give you the breakdown. Exports—Trinidad to the Caricom area: in 2007, 14 percent; 2008, 18 per cent; 2009, 16 per cent; 2010, 19 per cent; 2011, 14 per cent, giving us an average of 16 per cent over the five years. Let us compare it now with the imports that we import from our Caricom neighbours: 2007, 2 per cent; 2008, 1 per cent; 2009, 2 per cent; 2010, 2 per cent; 2011, 3 per cent; an average of just 2 per cent we import from our Caricom neighbours. I could give it to you by country Jamaica, we export 8 per cent of our total exports to Jamaica; Barbados, 4 per cent; Guyana, 2 per cent; and the remainder of the 16 will be spread amongst the other Caribbean countries.

**11.15 a.m.**

With respect to imports: Jamaica, we import 0.2 per cent only from Jamaica; Barbados, 0.5 per cent; Guyana, 0.3 per cent. And who are the people that make up the Caricom? I will just list all these countries, they are visitors when they come to this country. These people will have to be fingerprinted: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Monserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Suriname.

I just want to tell the AG, have you not looked at the revised Treaty of Chaguaramas? And it is clear that you have to afford Caricom nationals equal treatment to Trinidadians, unless they are criminals. If you look at Article 7 of the Revised Treaty of Chaguaramas, you would see non-discrimination and this is what it says, the article says:

“Within the scope of application of this Treaty, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.”

AG, look again, please. Please! I am urging you to look again at this situation with our Caricom neighbours, because I believe that it can lead to irreparable damage that can result from this move to fingerprint all our Caricom neighbours.

Mr. Speaker, the AG, I am asking to pause a while and consider the recommendation made at the last sitting by my colleague from Diego Martin North/East, and that is, the AG should give consideration to the Minister under whose portfolio this falls. Give that Minister the power or the authority to exempt countries that Trinidad and Tobago has treaties with, or reciprocal agreements with, so that this fingerprinting requirement will not be imposed on citizens of those countries wanting to visit Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, let me take a look at our visitors now, and certainly our visitors from South America, our visitors from North America, our visitors from Asia, our visitors from Europe, will all suffer the same fate, as our Caricom neighbours, Mr. Speaker. But more importantly, let us look at Europe, because on the last occasion in this House, our colleague for Diego Martin North/East raised a very important point here. He informed this House of an initiative on the part of Trinidad and Tobago which was started under the PNM Government, to be able to travel throughout selected European countries—and those countries he referred to them as the Schengen Area—without needing a visa. Mr. Speaker, I went and I researched it, the Schengen Area is an area comprising—[*Interruption*]



**Mr. Cadiz:** Schengen.

**Miss M. Mc Donald:** Schengen.

**Mr. Cadiz:** Schengen.

**Miss M. Mc Donald:** Schengen. Shingin. “Ah could spell it doh. Ah could spell it.” [*Laughter*—26 European countries that have abolished the use of passports, or any other type of border controls in between their common bonds. It functions—this area, this Schengen Area, functions as a single country, Mr. Speaker, for international travel purposes, with a common visa policy. The area encourages freedom of travel, freedom of movement of goods and services and freedom of people. And let me tell you, I looked at the areas here. I googled it, and there are 16 of them that I myself will like to travel, there are 26. I will call the 16 popular ones: Austria, Greece, Netherlands, Belgium, Finland, Norway, France, Luxembourg, Spain, Denmark, Germany, Italy, Malta, Portugal, Sweden and Switzerland.

Mr. Speaker, I will like to hear from the AG, or the Minister of Foreign Affairs if need be, how far has Trinidad and Tobago reached in successfully being granted this approval? I am looking at the *Trinidad Express* newspaper dated May 13, 2014, a story by Carla Bridglal:

“Visa-free travel to EU next year”

I would not read all, just the important parts. She said here, she is quoting the European Union attaché Daniela Tramacere told the *Express*. And I am quoting.

““The regulations that open for the visa waiver for Trinidad and Tobago have been done. So from our side it becomes effective, but it becomes a reality only when we sign an agreement with Trinidad and Tobago. To sign an agreement we have to finalise negotiations, which being an international agreement it is based on reciprocity. So we will have a technical check-up of things. Once all these things are checked and everything is fine we sign the international agreement and then it becomes a reality...””

Mr. Speaker, from my understanding, I have been advised that the European Union, they have done what they are supposed to do. They now need an agreement to be signed, but Trinidad and Tobago has not met with their counterparts of the European Union, to finalize negotiations with respect to the signing of this agreement. We are very tardy and the Attorney General, he along with the Minister of Foreign Affairs, will have to tell us what is happening with this particular initiative.

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Mr. Speaker, moving on. Over and beyond that, I am wondering whether the Government is thinking about the time it will take in the airport, the undue delays in the airport, the unnecessary bureaucracy—[*Interruption*]—Madam Prime Minister, I am sure if you want to join, your Leader will allow you to join, please. So allow me. Thank you.

**Mrs. Persad-Bissessar SC:** Thank you for the invitation.

**Miss M. Mc Donald:** You are welcome—the unnecessary bureaucracy in having all visitors and, of course, your being fingerprinted.

So I ask the AG, do we have the mechanisms and the infrastructure to implement this proposal? Is the infrastructure in place at the airport? Is the infrastructure in place at our sea ports? And what about Tobago and their tourism thrust? All these hundreds of tourists coming in from all around the world, Germany, et cetera. Are we telling all these people to line up and we are going to fingerprint all these people? Mr. AG, pause, pause on this please, as my colleague for Diego Martin North/East suggested, pause. Go back to the drawing board, this is yet another example of bad law, AG, and this time it will have far-reaching consequences. Think about the bigger picture, think about Trinidad and Tobago, Mr. AG, think about that, through you, Mr. Speaker.

Mr. Speaker, I want to turn our attention to page 25, proposed section 50A (b), and this is another offending clause, where it says:

“...a police officer may take and record for the purpose of identification the fingerprint impression of a person without consent where—”—and this is it—

“there are reasonable grounds for suspecting”—the operative word there is “suspecting that the person was involved in the commission of an offence related to the crime scene and believing...”—et cetera, et cetera.

So, Mr. Speaker, what is happening here is that no longer do you have to be charged with an offence for you to be fingerprinted. You only now have to be suspected, and you will now be fingerprinted, et cetera, Mr. Speaker. This is embedded in the law that a person, as I said, no longer has to be charged, you only have to be suspected now, and that is it. The police have that right, it is embedded in the law to fingerprint all of us, and the section is silent as to how long your fingerprint impression will be retained, all right.

**Hon. Ramlogan SC:** “Wat wrong with dat?”

**Miss M. Mc Donald:** When you are speaking AG, do not shout at me. You will tell us what is wrong with that. Do not shout at me please. [*Desk thumping*] Let us have some decorum in this House, AG. [*Crosstalk*] [*Desk thumping*]

Mr. Speaker, and this reminds me of the DNA Act, remember that AG? Which was passed in this House—it was not you. It was the—Mr. Speaker, it was the former Minister of Justice, with the DNA. Section 13(1) says:

“...a police officer...”

And again so, we are now fingerprinting suspects and that is under the Police Service Act, and now under the DNA Act, you are taking non-intimate samples of suspects. Under that Act, section 13(1) says:

“...a police officer...shall take a non-intimate sample from a person without his consent where—

(a) the person is a suspect, detainee or accused;”

So what this Government is doing, Mr. Speaker, again, I would say, they are now, building on their databases, and I hope they are looking at the question of invasion of privacy. I hope they are looking at the clauses, that—they are now looking at—they are now supposed to be looking at the clauses, to ensure that there is some time frame within which these fingerprint impressions should be kept.

Mr. Speaker, I turn my attention now to the DNA. The DNA Act at page 2, section—page 5, sorry, clause 3(h), 16(1):

“Where a citizen of Trinidad and Tobago is deported from any place from outside of Trinidad and Tobago, a non-intimate DNA sample shall be taken...”

Mr. Speaker, again, any person as I said, any category of person, whether it is a criminal offence or not, they are now going to take your DNA sample, and they are going to keep this DNA sample for 20 years. Mr. Speaker, this again. So whether you are exonerated or not, your data will be kept for 20 years, that is your DNA.

Mr. Speaker, let us see what happens in foreign jurisdictions. There is a school of thought, the *Gene Watch UK*, and that is taken from the January 2011 report, the DNA database, which says that:

“...computerised DNA profiles and personal data”—when—“stored indefinitely...could be used in ways that threaten...individual privacy and rights and that of their families.”

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Mr. Speaker, we can support the retention of DNA profiles and samples, and even fingerprint, but this has to be done in a justifiable manner, Mr. Speaker. It could be useful if an investigation needs to be reopened, but it cannot be kept indefinitely. The major human rights concerns relate to widening of the group of individuals from whom DNA can be taken and then retained.

Mr. Speaker, expanding DNA databases to include persons who have merely been arrested or suspected, represents a significant shift in which the line between guilty and innocent is becoming very, very blurred, Mr. Speaker.

A UK writer, Liz Campbell in an article called:

“A Rights-based Analysis of DNA Retention” found in the Criminal Law Review of 2010:

She—“...explores the implications for human rights of retaining a person’s DNA when there has been no conviction in the courts.”—She said—“the right to privacy, the presumption of innocence and the interest in not being stigmatised by the State are considered in turn, to determine if they pose a challenge to the retention of an innocent person’s genetic material.”

**11.30 a.m.**

In Scotland, if a suspect is acquitted, his DNA profile has to be destroyed. In the United States, only the DNA of convicted criminals can be kept. Mr. Speaker, under the UK law, no longer can you retain the DNA samples or profiles of most people who are arrested but not subsequently convicted. And, as a matter of fact, the European Court of Human Rights ruling says, quite clearly, that it is unlawful, it is a breach of human rights, to keep DNA samples for long periods of time, or to keep them indefinitely. When this came up, all I did was go back to my notes from 2011 in order to refresh my memory to deal with this DNA question of the retention of samples indefinitely.

We are developing a nation and, whilst I understand that the administration of justice has to be improved, we must be ever so mindful that we do not trample on citizens’ fundamental rights and also enact legislation that would scare investors away from our country.

We want investors. We want tourism. We want to become cutting edge and more competitive. We want to remove barriers and obstacles to free travel and the ease of doing business. We do not want to build unnecessary bridges and it is within this context that I plead with the Government to pause and look again at the amendments to the DNA Act and the Police Service Act. Let us go to a select

committee of this House and put our collective thought processes together and return to this House with good law. To do otherwise would be tantamount to acting irresponsibly.

We cannot support you, Government, on this Bill, as we see some of the amendments, as highlighted, to be a retrograde step.

Mr. Speaker, I thank you. [*Desk thumping*]

**The Attorney General (Sen. The Hon. Anand Ramlogan SC):** Thank you very much, Mr. Speaker. A useful starting point to frame this debate would be the last parting salvo from my friend, the Member for Port of Spain South, and it has to do with the fact that the retention of fingerprint and DNA samples would, and I quote:

Trample on the fundamental rights of citizens and may scare foreign investors away.

Now, a simple response to that would be to say that, by that kind of logic, one would expect that the United States of America would be bankrupt by now because every time you enter the United States of America, the first thing Uncle Sam asks of you is to put your five fingers onto the green box and they take your fingerprint. So if the taking of someone's fingerprint and the retention of that fingerprint by a sovereign state scares foreign investors away, then by now the United States should be bankrupt.

Let us be realistic and reasonable in this matter. How on earth can we even stand here to suggest that a Government that is seeking to try and address two valid concerns raised by a terrified population under siege by criminals could be accused of trying to scare foreign investors away?

What are those concerns? The first is the detection rate in the police service is unacceptably low. That is the first point; it is unacceptably low. That can only be addressed if you find the legislative tools to equip the police service so that they can, in fact, have a fighting chance at solving crime.

In Trinidad and Tobago, we have had the police service, they have been visiting crime scenes and collecting data, collecting fingerprints and collecting DNA evidence, but you know what? No one has bothered to ask the police service what it is that is holding back the solving of those cases.

You know what it is? The gathering of evidence from a crime scene, whether it is a fingerprint or DNA evidence, it is only as useful and as valuable as the database

or bank that they have to match it against. There is no point in collecting fingerprints and DNA evidence from crime scenes, murder scenes, little children being murdered, and you have nothing to match it to. Because why? Some people say we must respect the privacy and the fundamental rights of citizens. The time has come to rebalance the scales of justice in Trinidad and Tobago and the Government makes absolutely no apology for saying that the time has come for the scale to be heavier by two ounces in favour of the hard-working, decent, law-abiding citizens of this country. [*Desk thumping*] And if to do that and solve crime it means that there must be a constitutional invasion of one's privacy, then so be it.

But let us take it in context. What is the invasion of privacy that we are talking about here? What is the invasion of privacy, Mr. Speaker? It is not that somebody is coming into your home as a sitting Chief Justice and executing a search warrant on a Friday, or over a weekend, you know. That is not the kind of invasion of privacy that we are talking about here. There is no image to be conjured up of someone coming into your matrimonial bedroom. That is not the case.

The invasion of privacy about which the Member for Port of Spain South speaks is the prick of a finger to take a blood sample to get a DNA profile. That is the invasion of privacy. Let us define it for the population crystal clear. The invasion of privacy is for a man to put his finger on an electronic box to get his biometric data.

That is the invasion of privacy, and they wish to complain about that when in today's newspaper, when I read the online version last night, I saw that a family in somewhere—Erin I believe it is—bandits reach; they put them out of the house and they tell them to stand up over the road and they proceed to torch the entire residence and burn it to the ground; and they have them stand up watching and they say: "Doh get no horrors, you know. We have instructions to do this. We were ordered."

I am more concerned about the gross invasion of that family's privacy today and I want us, as a Parliament, to focus on that gross, inhuman act that is being perpetrated on our citizens day in, day out. This country is being held to ransom by a minority and a small handful of criminals and it is time for the tail to stop wagging the dog.

I am today saying, Mr. Speaker, that the Parliament must act in the public interest. I am saying that if there is an invasion of privacy in giving a fingerprint or pricking someone's finger to get a DNA sample so you could generate a DNA profile—and that is what the police are asking for, to be able to establish a DNA

database and a fingerprint bank, so that when they get evidence from the crime scene, they can actually stand a better chance at getting a match—I am saying that is good law; it is not bad law. It will be bad law to leave it as it is. [*Desk thumping*]

When my learned friend condemns the Government to say—[*Interruption*]

**Dr. Rowley:** I understand the Attorney General's position as he responds, but there was a nuance to the point with respect to having got the samples on suspicion—is the AG prepared to consider any time limit for the holding of those samples? So we are not ending the issue and saying do not have the sample, but since you are getting the sample on suspicion, would you consider it reasonable that some time limit could be introduced where if, during that period of time, the suspicion is not supported, that the sample should be considered differently, as against holding the sample indefinitely on conviction?

**Sen. The Hon. A. Ramlogan:** The first thing is that the Bill does not, in fact, contemplate the retention of the sample indefinitely. [*Interruption*] The second thing is—no, it does not. That is incorrect. The second thing is that, with respect to the retention of DNA samples, it is, in fact, up to a period of 20 years.

But be that as it may, apart from the fact that the premise on which the question is based is fundamentally flawed, the fact remains we have cases in this country that are unsolved that go back to 15 and 16 years. Akiel Chambers' name must ring an echo in this Chamber and the DNA evidence from that case is still there.

We have more cold cases than hot cases in this country and one must not forget that during the eight years that you were in power, Sir, during that time, the large majority of murders, gang-related activities and robberies remain unsolved. So that when we speak about the retention policy that we are seeking to introduce, which is not for an indefinite period—so I hope that provides the clarification—when we speak about that, one must contextualize it. If we had inherited, as a Government, a proficient system that was very quick and we say we had a turnover and we could feel confident that if in five years' time a crime was not solved we could destroy the DNA and fingerprint sample, no problem, we could do that. But we do not have such a system.

May I enquire, though, what really is all the fuss about in terms of the retention of the fingerprint and DNA profile? To what bad use can it be put? I did not hear, in the Member for Port of Spain South's contribution—I listened attentively and I was waiting to hear what is the evil, what is the disadvantage to which a citizen, who has submitted his fingerprint or DNA sample, what disadvantage is it that they will suffer in life? From birth to death, name one. Absolutely none!

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In fact, when the Member for Port of Spain South visits America, I am certain that she does not ask all these questions “How long yuh going to keep it? Leh meh tink about it twice. Doh charge meh for excess overweight”—baggage I am talking about. No, no, no. “Dey put dey finger and dey gone through quick, yuh know”. But they want to stand here and pontificate about a matter while people’s homes are being torched to the ground and they are being made to stand helplessly by on the sidelines and witness it. That is the reality. I really do not understand where that is coming from.

Now, Mr. Speaker, permit me to—

**Mr. Deyalsingh:** AG.

**Sen. The Hon. A. Ramlogan:** I have given way to your leader already. Let me list for you a list of countries that allow fingerprinting upon entry for non-nationals: Australia—I do not know how many of us have had the privilege to visit Australia, one of the cleanest, most civilized and ordered societies you could find—very, very much so; Australia, Brazil, Canada—when you visit Canada, it is arguably even more progressive in some cases than the United States of America. You can tell when you walk in the streets and so on—Canada, European Union, member states of Europe, which form the Schengen Area, 27 states: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovenia, Slovakia, Spain, Sweden; Gambia, England and, of course, the United States of America. All of these countries in the world at present, fingerprint you upon entry. Because why? It is in the interest of national security.

The mere fact—I heard the Member for Port of Spain South say that this is going to scare away foreign investors and it is going to harm tourist arrivals; I do not know where she goes for holidays but, quite frankly, I would much rather go to a country for a vacation where I feel safer than to go to a country where there is a high crime rate and the people do not seem to be doing “nutten” about it.

**11.45 a.m.**

But, I dare say that there is not a single foreign investor who in their right mind that come here to legitimately do business, would object to their being fingerprinted at the port of entry. If they have a problem with that, I have a problem with them entering in the first place. “Whey dey want to come here for if they have an objection, Mr. Speaker, to being fingerprinted in the interest of protecting the society from crime.”



Mr. Speaker, we have seen a marked increase in drug mules. Given the geopolitical position of Trinidad and Tobago, we are an acknowledged major transshipment point for drugs and arms, and we have a duty and responsibility, in light of that socio-economic reality, to treat with the matter and take the bull by the horns.

Now, coming back to the retention policy, permit me to cite some examples. In Australia, do you know how long the Department of Immigration and Border Protection—the fingerprint and biometric data—do you know how long in Australia they keep it for? Not 10 years! In Australia, they do not keep it for 10 years; they do not keep it for 20 years; they do not keep it for 30 years; they do not keep it for 40 years; they do not keep it for 50 years; they do not keep it for 60 years; they do not keep it for 70 years; in Australia, their retention policy is for 80 years. “They want to keep it til yuh dead.” Eighty years; 8-0! And we are here quibbling about a retention policy proposed by the Government of Trinidad and Tobago for 20 years, and the Leader of the Opposition gets up and gets it completely wrong to say, “Well, let us move from indefinitely to something else.” It is not indefinite. Eighty years in Australia, Mr. Speaker.

Then we come to Canada. Canada retains it for 15 years. Then we come to, even Gambia, the Government of Gambia has introduced a new identity management system, Mr. Speaker, through which the Government of Gambia will capture the biometric details of all citizens and all aliens entering the country.

In the United States—Australia keeps it for 80 years—where we look to as a role model for law and order, peace, safety and security and good governance, when you see what they did in New York with the red spot areas and so on—Major Giuliani—do you know how long they keep it for in America? In America their retention policy, Mr. Speaker, for fingerprint is not 10 years; it is not 20 years; it is not 30 years; it is not 40 years; it is not 50 years; it is not 60 years; it is not even 70 years. In the United States of America, Uncle Sam keeps that fingerprint for 75 years! In this country you will be old and getting pension, free bus pass and free travel to Tobago on the ferry because of this Government.

**Hon. Members:** What!

**Miss Hospedales:** What! No.

**Sen. The Hon. A. Ramlogan SC:** Seventy-five years! And not a man complained; seventy-five years!

Now, I heard the concern echoed throughout the debate about the Caricom nationals, and I listened attentively to it. I indicated before, when the Member for

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Diego Martin North/East Spoke, that the Government has, in fact, an amendment that will allow the Minister of Foreign Affairs to exempt certain categories of persons, if necessary. By that, I am not necessarily saying we will exempt Caricom nationals, because I do not see that this is a violation of the treaty. But, for example, you may recall, Mr. Speaker, wearing a different cap, when we had the World Cup Cricket, we had passed ad hoc legislation to bypass certain customs and immigration rules to facilitate the hosting of the world cup and certain matches in Trinidad in 2007. And, of course, one would need to have special provisions if you are having an international diplomatic conference or you are having an entourage from overseas, then you will need to have special provisions to facilitate the expeditious flow of people, to manage the flow of persons. So, I think it is a useful provision and we have already agreed to that.

But, in the Myrie case that they cite from the CCJ, we have to be careful, you know, because when you find the drugs in chicken parts and car parts, it is all well and good to stand up here and talk about it and say “De police eh hold nobody and de police eh do this and de police eh do that”, but when you talk to the police, what they do not tell you is that the same shipment came from Jamaica.

**Hon. Members:** That is right.

**Sen. The Hon. A. Ramlogan SC:** The shipment came from Jamaica. So, if you have an isolationist approach to what is clearly a transnational criminal problem of drugs and illegal drugs and arms, they are going to run into trouble; the Government is going to run into trouble, and that is why we make no apologies for saying that if you want to enter our country, nothing is wrong, “Put yuh five finger and gih we yuh fingerprint.” You come to go Maracas, enjoy a bake and shark, “Yuh ha no problem with that chief.” You could relax and enjoy my country—go by the Lord Hanuman Temple; go by the Temple in the Sea; go Maracas; enjoy the camboulay riots; go down Cedros—you fix up, nothing is wrong with that—go to St. James and enjoy some “pan around de neck”; that is okay, but if you are coming to commit crime, know that you have a good chance of being caught because we have your fingerprint. We could get it on the bake and shark piece of paper; we could get it on the sweet drink bottle; we could get it from the Carib bottle; but know that we stand a fighting chance. Let us give our citizens a fighting chance; let us give the police service a real chance for once in this country. [*Desk thumping*]

The question my learned friends should be answering is why did we not do this before? How come we did not think about this? They ruled this country from 1956 to 1986—for three decades without interruption—and after that for a further period of eight years. For almost half a century they have ruled this country, and they did

not think about measures like this. When they travel at taxpayers' expense and see what other First World countries are doing to protect themselves, and then they come to talk about Caricom nationals.

Mr. Speaker, I went to the Bahamas recently, and when I went to the Bahamas, they told me. "Well you cannot enter because you do not have a yellow fever vaccination shot." I politely enquired if that was the law, and they said, yes, and I said if that is the law, so be it, I must get a shot. Arrangements were made, you get your shot and they allow you to enter. I have no difficulty with that. That is the right of the Bahamian Government and people to impose that as a restriction if they deem fit because they want to protect their country from a particular kind of disease.

When the Bahamian comes to Trinidad, we do not subject them to that. There is no reciprocity. I do not say to the Bahamian "Well, you know, chief, is my time now. Yuh have malaria; yuh have measles"—and go down the road—"take off yuh shoes leh me see yuh athletes foot—I doh do that—you come through, no problem; no problem."

So, one must bear in mind that the Treaty of Chaguaramas does not, in fact, operate in such a manner as to deprive a state of its sovereignty and its right to protect its national security interest. In fact, Article 46 says, and I quote:

"Member States shall establish appropriate legislative, administrative and procedural arrangements to:

- (b) provide for movement of Community nationals into and within their jurisdictions without harassment..."

And it then goes to:

- "3. Nothing in this Treaty shall be construed as inhibiting Member States from according Community nationals unrestricted access to, and movement within, their jurisdictions"—and these are the important words—"subject to such conditions as the public interest may require."

Where my learned friends are going wrong is, to raise the argument about illegal restrictions on travel and discrimination and so on. They fail to realize this is not a law that is seeking to deny entry into Trinidad and Tobago. It is a law that seeks to regulate and control the immigration procedure by which we allow you to enter the country.

**Dr. Browne:** It amounts to the same thing.

**Sen. The Hon. A. Ramlogan SC:** No, it does not amount to the same thing at all. They are two completely different things. By that kind of illogical reasoning, you should not ask them to fill out a customs and declaration form too, because that too is a restriction, they may argue. You see, that is part of the immigration procedure and the process.

And, therefore, in the same way as in the Bahamas you have to have your yellow fever shot, I say “Gih meh yuh fingerprint.” There is absolutely nothing wrong with that. It is not that you are denying entry to any category of persons. What you are doing instead is regulating your immigration process and your immigration procedure, and that you must do in the public interest, and that is permitted by Article 46 itself of the treaty, Mr. Speaker.

So, that argument in itself, I say, it does not hold water. The Myrie case from Barbados is a completely different set of facts. It is clearly distinguishable, and repetition will not improve the irrelevance of the point, and that is what happened there. Everyone repeated it without realizing that they were intensifying the irrelevance of the point.

Mr. Speaker, they also referred to the European Court of Human Rights case of *Marper v the United Kingdom* and they cited the fact that the European Court of Human Rights—this is the fact—the Strasbourg jurisprudence in the European Union, they have come down against the indefinite retention of persons’ DNA profiles, and that they have done because it is in breach of Article 34 of the Convention of Human Rights. The problem with using that case as authority for Trinidad and Tobago is that, as I pointed out to the hon. Leader of the Opposition, we are not proposing indefinite retention, we are not. What we are proposing is limited retention for a period of up to 20 years and, therefore, that case is very easy to distinguish, because it is quite different. This is what the court said:

In conclusion the court finds:

“...that the blanket and indiscriminate nature of the powers of retention of the fingerprints, cellular samples and DNA profiles of persons suspected but not convicted of offences, as applied”—in the case of the present applicants—“failed to strike a fair balance between the competing public and private interests.”

But that was in a case of indefinite retention of sample. That does not really apply in Trinidad and Tobago.

Mr. Speaker, I asked the police service to give me some statistics and to highlight the problem. During the period 2006 to 2014, the Crime Scene Unit in the police service, they have attended to 1,500 crime scenes from which they have obtained the DNA evidence. The problem is the DNA database, to get a match, is this small [*Illustrates with hands*] and the DNA evidence they have collected is this big. [*Illustrates with hands*] That is the problem there. So, unless you give the people a database that they can meaningfully use to get a match, then what you are doing is creating a new police DNA museum. It has no value. It is like creating a DNA police museum. It is of no value, and that is why we advocate, without apology, the fact that we need to have some form of serious DNA and fingerprint law. And why do we need it?

Mr. Speaker, I asked the Prison Service to give me some statistics. Listen to the statistics. Of persons who have had three convictions or more in the women's prison, we have 33, a total convicted population of 33 women. One has over three or more convictions, Tobago prison, 17, out of which nine has three or more previous convictions; Trinidad and Tobago prisons—MSP, GGP, Remand, Carrera and so on—we have 1,433 prisoners, and out of that 581 with three or more; 581.

#### **12.00 noon**

In other words, the rate of recidivism is in the vicinity of 40 per cent and that is with three prior convictions, and that is who you have in jail. “Ah not talking about who dey eh ketch.” So, to dimension the problem, we are sitting on a time bomb and the time to take action is now, and this legislation, it is hard hitting and it is very serious, and we make no apologies for it because the incursions on our constitutional rights when we speak about it, we cannot speak about it from the bandits' perspective alone, we must start talking about it from the perspective of the decent, law-abiding, innocent citizens of this country. [*Desk thumping*]

And the time has come for us to look at it from both sides, because the invasion of privacy for somebody putting their fingerprint or giving a DNA sample with a “lil” prick of the finger, I think it pales into insignificance when one compares the public good you are trying to achieve, and that is, to solve crime at a time of high crime in the country.

#### **ARRANGEMENT OF BUSINESS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in accordance with Standing Order 37(3), I beg to move that debate on the Miscellaneous Provisions (Administration of Justice) Bill, 2014 be adjourned to a later date.

*Question put and agreed to.*

**CYBERCRIME BILL, 2014**

*Order for second reading read.*

**The Minister of National Security (Sen. The Hon. Gary Griffith):** Mr. Speaker, I beg to move:

That a Bill to provide for the creation of offences related to cybercrime and related matters be now read a second time.

**RELATED BILLS**

**The Minister of National Security (Sen. The Hon. Gary Griffith):** Mr. Speaker, in moving the second reading of this Bill, I seek the leave of the House to debate together with this Bill, a Bill entitled an Act to provide for the establishment of the Trinidad and Tobago Cyber Security Agency and for matters related hereto, since they are interrelated.

**Mr. Speaker:** Is this the wish of the House?

*Question put and agreed to.*

**Mr. Speaker:** Continue, hon. Minister of National Security.

**CYBERCRIME BILL, 2014**

**Sen. The Hon. G. Griffith:** Thank you, Mr. Speaker. As it relates to the Cybercrime Bill, 2014, I stand before this honourable House to introduce this Bill.

Government, businesses and citizens are increasingly becoming large consumers of information and communication technology and electronic services. This growing reliance is demonstrated through its infusion into education, the ongoing enhancement of communication networks, improved facilitation of international trade, changes in management and procurement systems and advances in health care provision.

In the last 10 years-odd, from 2000 to 2012, ICT usage has increased by 1,310 per cent in Latin America and the Caribbean and this will continue to grow. The World Economic Forum, Global Information Technology report shows that Trinidad and Tobago's readiness to leverage ICT for increasing competitiveness and development jumped from 79 out of 133 countries in 2010 to 60 out of 142 countries in 2012 [*Desk thumping*] showing that we are prepared to participate in this new paradigm of exchange between nations.

Mr. Speaker, the transformative potential of ICTs and the Internet has been recognized by the Government of the Republic of Trinidad and Tobago which is demonstrated by us identifying ICT and the establishment of a diversified knowledge economy as discrete development pillars within our framework for sustainable development.

It is in this vein, the Government has embarked on a number of programmes to increase ICT access with an aim to ensure its affordability and to reduce the digital divide. These include the eConnect and Learn Programme, (eCAL). The eCAL is an initiative of the Ministry of Education, with the primary object of leveraging the potential of ICTs to significantly enhance the Trinidad and Tobago education system through the provision of laptop computers to secondary school students, and that programme began in 2010 and to date approximately 70,000 laptop computers have been distributed to secondary school students. It is further expected that a further 18,000 would be distributed in September of this year.

So these programmes, it is evident of the importance that has been attached to ICT and the Internet as a critical component in achieving economic growth, global competitiveness and a better life for our citizens. Despite the benefits to be derived from this digital revolution, it is incumbent on us to implement strategies that address the risk associated with Internet use, with a focus particularly on our vulnerable in the society such as children.

It is with this in mind, Mr. Speaker, that an inter-ministerial committee was established to develop a National Cyber Security Strategy for Trinidad and Tobago, which comprised various key Ministries and began its operations in 2011. In December 2012 the National Cyber Security Strategy was approved.

Mr. Speaker, coming out of the National Cyber Security Strategy, five key pillars were identified to ensure that the strategic objectives were met: governance, incident management, collaboration, culture and legislation. Mr. Speaker, in the last few decades, cybercrime has indeed become a major concern for law enforcement around the world. From the 1960s to the 1980s, computer manipulation and data espionage, and the development of appropriate legal responses, have engaged the attention of Governments worldwide. The nature of this engagement changed in the 1990s when we had the graphical interface “www” and that was introduced and the number of websites and Internet users started to grow in vast numbers.

Mr. Speaker, it is taking into account our stakeholders such as our citizens and our businesses that the issue of cybercrime has made it to the top of the national security and Government’s agenda. It is important to underscore that—unlike other

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topics—it is likely that this topic would remain a priority for years, given that addressing the issue is not something that can be done only once and forever. Cybercrime is constantly evolving, and legal solutions would be needed to continuously reassess and change from time to time.

The ability to fight cybercrime is essential for both developed and developing countries. With a growing dependence on the availability of networks and computer systems, as well as the growing number of Internet users, crimes committed by using IT will become more frequent and potentially more severe. In order to protect users, countries must have the ability to act when those services are attacked or abused in other ways.

The International Telecommunications Union reports that there is evidence to show that cyberattacks are growing in sophistication, in frequency and gravity; for example, due to the automation of business processes, it is estimated that as many as 80 million hacking attacks are conducted daily. A security firm, Symantec, in their 2011 Norton report stated that the global price tag of consumer cybercrime was estimated at US \$113 billion annually. This report, which was a result of a survey conducted in 24 nations by this firm, stated that there were 378 million victims of cybercrime per year, which is nearly 2.8 times as many babies that are born every year, or a million victims per day, 12 victims per second.

Mr. Speaker, in the last few years, debates have been dominated by new and very sophisticated methods of committing crime such as Phishing, a term used to describe that act that is carried out to make the victim disclose personal or secret information. Also there is a botnet attack, which is a short term for a group of compromised computers running software that are under external control; and the emerging use of technologies that are more difficult for law enforcement to investigate, such as: Voice-over-IP communication and cloud computing. They can leverage cyberspace to disrupt communication, hinder or even delay defensive, offensive or emergency responses, and this, obviously, can affect national security.

The virus, Stuxnet, for example, which was discovered in 2010, was designed to target industrial control systems used to monitor and run large-scale industrial facilities such as power plants, oil refineries and gas pipelines. Mr. Speaker, this is a harsh reality for our energy sector.

Mr. Speaker, these vulnerabilities are not external to us. In Trinidad and Tobago, the following areas are among the many areas that are susceptible to compromise by criminal or terrorist elements:



- online banking and financial networks;
- online government services, such as TTBizLink;
- real-time information systems, such as the supervisory control and data acquisition systems that manage the pumping stations in WASA and T&TEC; also, we have the
- revenue-dependent oil, gas and petrochemical infrastructure; and finally the
- air transport and public ground transportation.

Experiences in Trinidad and Tobago, like those globally, have underscored the truism that increasing reliance on cyberspace brings both opportunities and threats. The rapid integration of the Internet into almost all aspects of social and economic activity has increased the vulnerability of all facets. This country is not immune, Mr. Speaker, based on reports from our Cybercrime Unit within the Trinidad and Tobago Police Service. We have witnessed an increase of cyber incidents including online bullying, attempted domain hijacking and website hacking and defacement.

In April 2012—this is just an example—the Ministry of Finance and Parliament websites, they were hacked, and in July 2012, the automatic teller machines, the ATM skimming scams, whereby well-hidden cameras were used by thieves to capture the personal identification numbers for some customers' debit and credit cards from a few major banking institutions, and these are just recent local examples of increasing cybercrime incidents.

Regionally, in March 2013, in Barbados, the Barbados government network was hacked, and prior to that in April 2012 LIME Barbados Broadband Network also came under a denial of service attack. In order for law enforcement agencies to effectively combat cybercrime and computer-related crimes, the creation of efficient penal legislation as well as related procedural instruments to facilitate investigations are required. Those countries which have failed to enact adequate legislation risk the possibility of exposing their populace to a variety of crimes without recourse.

Another serious concern is that the failure to criminalize certain cybercrimes might protect offenders or even motivate them to move illegal activities from

countries where there are offences related to cybercrime to those countries where there are none. Preventing the formation of safe havens where criminals are able to operate with impunity has therefore become a key challenge in preventing cybercrime and also in criminalizing certain acts, and this has become a necessity whereas these safe havens, they exist. There is the real danger that offenders can use them to evade investigation and also prosecution.

Mr. Speaker, by accessing technical assistance from the HIPCAR Project, a joint project with the International Telecommunication Union and the European Union, Trinidad and Tobago was able to benefit from model legislation which was developed in accordance with international and regional best practices utilizing technology-neutral language which further promotes the doctrine of cooperation amongst our international neighbours. Cybercrime has no borders; we are all in this cyberspace together, being one global village. A cybercrime can happen in Trinidad and Tobago and the perpetrator can be in Russia and living elsewhere.

Mr. Speaker, this is the reality we face. How do we prosecute these persons when our laws are not the same as those in other countries or if we have no laws at all? With the benefit of this model legislation we are on a path to harmonizing cybercrime legislations globally so as to allow for better cooperation and collaboration in dealing with cybercriminals.

I could paint a picture: for example, in 2000 there was the “I love you” bug which was estimated to cause US \$5.5 billion in damage. Even the Pentagon and the CIA were forced to close down their operations to clean up their systems. It can go as deep as that. When perpetrators were arrested however there was no legislation at the time criminalizing the writing of malware in the Philippines and they were released when all charges were dropped, so this is a perfect example of why it is this is needed. It is for this reason, why this Bill is so important. We need to be able to secure our cyberspace, protect our citizens and neighbours and possess the wherewithal to prosecute those criminals who seek to interfere with our systems and economies.

Furthermore, Mr. Speaker, in addition to assistance from the HIPCAR Project, consideration was also given to current trends and the following models, to name a few, existing in the area of cybercrime and computer-related crime: the commonwealth model law and computer-related crime; Council of Europe

Convention on Cybercrime; the ITU Global Protocol on Cyber Security and Cybercrime, and Cybercrime Act, 2010 in Jamaica, just to name a few.

**12.15 p.m.**

Mr. Speaker, in light of the advantages of technology and cybercrimes, it was determined that the provisions of the Computer Misuse Act were unable to address the growing complexity in the cyberwarfare efforts of law enforcement. It has gone beyond that. Therefore, a determination was made that as a result of the extensive amendments required to bring the Computer Misuse Act into alignment with the technological advancements of cybercrime, it was deemed more appropriate to repeal and replace the Computer Misuse Act with an updated Cybercrime Act.

Mr. Speaker, I can go into the clauses of the Bill, and Part I of the Bill comprises the preliminary clauses and contains four. First is the—clause 1 provides the short title. Clause 2 provides for the commencement of the Bill upon proclamation by the President. And the rationale for this is that in light of the technical nature of the offences, the Government has been pursuing various initiatives for capacity-building activities, such as the Commonwealth Secretariat, the Commonwealth Cybercrime Initiative, which is currently being led by the Ministry of National Security. Initiatives such as these will allow us to train and build the capacity of our Judiciary, prosecutors and investigators within our law enforcement arm on the proposed Bill.

Clause 3 provides that the Act shall have effect although it is inconsistent with the Constitution, given certain provisions that are included.

Clause 4 provides the interpretation of key terms in this Bill. I can provide further clarification on some of these. The definition of a computer system used is that which accords to international best practice. By the sheer nature of its definition, it captures not only what we understand as traditional desktop computers/laptops, but also smartphones, and any device which can process information or electronic data. This definition we believe widens the net for capturing devices that are not now categorized.

Mr. Speaker, Part II, Cybercrime Offences. We can turn the attention to cybercrime offences which can be divided into four categories:

1. Offences against the confidentiality, integrity and availability of computer data and computer systems.
2. Content-related offences.
3. Copyright-related offences.

4. Computer-related offences.

This Bill will seek to cover each of these four categories as stated.

Mr. Speaker, it should be noted that all offences are triable either way, and the penalty provided is the maximum penalty, thereby allowing the Courts to impose the appropriate penalty in relation to the crime. We have reviewed our national laws and penalties to ensure consistencies in the penalties that we have looked at, for example, the Proceeds of Crime Act and Anti-Terrorism Act, in determining the penalties.

Clause 5 seeks to create the offence of illegally accessing a computer system, whereby any person who intentionally, and without lawful excuse or justification, accesses a computer system or any part thereof, or accesses a computer system for the purposes of securing computer data, commits an offence. And we can even recall recent matters where information is just received and it is then extracted.

This can go a long way to eliminate that concept we have seen now of mailbox politics, Mr. Speaker, whereby information just comes up to people, they make an announcement. Now, we need to know where did you get it from. The protected legal interest in this regard is the integrity of the computer system. The need for criminalization of such acts reflects the interests of operators of computer systems to run their systems in an undisturbed manner. This clause essentially criminalizes the mere unauthorized intrusion prior to the follow-up crimes such as data interferences.

Additionally, Mr. Speaker, access in this context does not specify a certain means of communication, but it is open-ended and facilitates further technical developments. It includes all means of entering a computer system, including Internet attacks as well as illegal access to wireless networks. Even unauthorized access to computer systems that are not connected to any network is covered by this provision.

Furthermore, like most of the other offences listed in this Bill, illegal access to a computer system can only be prosecuted if it happens without lawful excuse or justification. This requires that the offender acted without authority, whether it is legislative, executive, administrative, judicial, contractual or consensual. And further, the conduct is not covered by established legal defences, excuses, justifications or even relevant principles.

Mr. Speaker, clause 6 seeks to create the offence of illegally remaining in a computer system. Similar to clause 5, the protected legal interest is the integrity of

the computer system. This provision reflects the fact that entering a computer system without right cannot only violate the integrity of a computer system, but also by remaining on the computer system after authorization has expired, intentionally, and without lawful excuse or justification. Remaining on that system requires that the offender still has access to the computer system though not authorized. And I would not bother to go into the fines themselves at this time, Mr. Speaker.

Clause 7 seeks to create the offence of illegally intercepting non-public transmission of electromagnetic emissions to or from a computer system. The applicability of clause 7 is limited to the interception of transmissions realized by technical measures, interception related to electronic data. It can be defined as any act of acquiring data during a transfer process. This provision only applies to the interception of transmissions, therefore, access to stored information is not considered.

Mr. Speaker, the interception related to electronic data can be defined as any act of acquiring data during a transfer process. This provision only applies to the interception of transmission, therefore access to stored information is not considered as an interception of a transmission such as that considered by the Interception of Communications Act.

The term “transmission” covers all data transfers, whether by telephone, fax, email or file transfer. The offence established under clause 7 applies only to non-public transmissions. A transmission is non-public if the transmission process is confidential.

Mr. Speaker, the vital element to differentiate between public and non-public transmissions is not the nature of the data transmitted, but the nature of the transmission process itself. The use of public networks does not exclude non-public communications. The inclusion of electromagnetic emissions within the Bill ensures that a comprehensive approach is undertaken, especially as older computer systems generate electromagnetic emissions during their operation.

It must be stated that this clause does not conflict in any way with the Interception of Communications Act, as the Interception of Communications Act treats with the interception of content data, whereas the offence of illegal interception in this Bill is limited to the transfer process of the communications.

Mr. Speaker, in clause 8, this deals with the offence of illegally interfering with computer data and would include damaging or deleting computer data to fill the existing gaps in the criminal law as well as provide computer data and computer

programmes with protections similar to those enjoyed by tangible objects against the intentional infliction of damage. Again this offence requires that the offender would carry out the offence intentionally and without lawful excuse or justification.

Moving on to clause 9, illegally acquiring computer data whether for personal use or for use by another person. It seeks to protect the secrecy of stored and protected computer data. This clause applies only to where data is specially protected against unauthorized access. The special protection in this case requires that the owner or the host of the information has implemented protection measures, such as, a password or encryption, which is intended to significantly increase that difficulty in obtaining the access to the data without proper authorization. It is necessary that the protection measures go beyond standard protection measures that apply. However, it is not necessary that the measures be computer-related. Physical measures, such as locks, enable the application of this clause.

Mr. Speaker, the act of obtaining covers any activity undertaken by the offender to obtain possession of the relevant data. This can, for example, be done by removing a storage device or copying files from the original source to the offender's storage device.

Clause 10 seeks to create the offence of illegally interfering with a computer system or a person who is using or operating a computer system. This provision therefore aims to protect the integrity of the computer system. The application of the provision requires that the offender hinders or interferes with the functioning of a computer system or with a person lawfully using or operating that computer system.

Mr. Speaker, clause 11 seeks to impose greater penalties on persons who commit an offence under Part II with a particular focus on those acts which affect critical infrastructure. This clause would define critical infrastructure as any computer system, device, network, computer programme or data so vital to the State that the incapacity or destruction of, or interference with, such a system or device or a network, would have a great impact on the security of the defence or international relations of the State or the provision of services that are related to national or economic security, which involves, banking, financial services, public utilities, the energy sector, communication, infrastructure, public transportation, public health, public safety or key public infrastructure. It cannot be understated the importance of ensuring that the penalty serves as a deterrent to those who wish to target those assets.

Mr. Speaker, clause 12 seeks to create the offence of illegally producing, selling, procuring, importing, exporting, distributing or otherwise making available a computer device or programme for the purpose of committing an offence under the Bill.

Clause 12(1) (a), in fact, identifies both the devices designed to commit and promote cybercrime as well as passwords that enable access to a computer system. And the term “devices”, that is intended to cover hardware and software-based solutions that are aimed at committing one of the above mentioned offences. Examples of such software are: virus or malware programmes or programmes designed or adapted to gain access to computer systems. This clause in general applies not only to devices that are exclusively designed to facilitate the commission of cybercrime, but also covers devices that are generally used for legal purposes where the offender’s specific intent is to commit cybercrime. To limit this clause to devices which are designed solely to commit crimes, it is too narrow in its extent and it can lead to a whole host of difficulties of proof in criminal proceedings and rendering the provision virtually inapplicable or only applicable in rare instances. Clause 12 requires that the offender is carrying out the offences intentionally, and that device is used for the purpose of committing any of the offences.

Clause 13 seeks to create the offence of the unauthorized receipt or grant of access to computer data stored in a computer system. This clause was retained from the Computer Misuse Act as it is related to the unauthorized receiving of access to computer data and the unauthorized grant of access to computer data. It seeks to capture those who unjustifiably give access to others who have no authority to obtain that data available through the access. This offence is still relevant and it was determined to retain it as a result.

Clause 14 seeks to create the offence of computer-related forgery. This will make it unlawful to input, alter, delete or suppress computer data which will result in inauthentic data. This clause seeks to protect that security and reliability of electronic data by creating a parallel offence to the traditional offence of forgery of tangible documents. This serves to fill the gaps in the criminal law, as the traditional legal provisions relating to forgery may not apply to electronically stored data.

**12.30 p.m.**

The target of a computer-related forgery is computer data as defined in clause 4, and it is in this context it matters not whether the computer data is directly readable

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are/or intelligible. The computer data must not only be the subject of one of the acts mentioned—that is input, alter, delete or suppress— but it must also result in unauthentic data which is intended that it be considered or acted upon as if it were authentic.

Clause 15 seeks to create the offence of computer-related fraud. Fraud is a popular crime in cyberspace. This clause is aimed at frauds which are committed through the input, deletion or suppression of data or the interference with the functioning of a computer system with the intent to procure an economic benefit and causes loss of, or damage to property of the victim. Clause 16 seeks to create the offence of identity theft through the use of a computer system.

Mr. Speaker, at this time, I would like to propose the amendment at clause 17 which is child pornography, and clause 18, luring, that they be removed from the Cybercrime Bill, because after further discussions with the various stakeholders with a mandate to protect our children, it was determined that at this time child pornography and luring should not be dealt with in the Cybercrime Bill as other pieces of legislation can treat with the issue further. Furthermore, in light of the proposed amendment, further amendments will be made, as indicated in the list of amendments which was circulated.

Continuing, Mr. Speaker, clause 19 seeks to create the offence of violating a person's privacy by capturing and sharing pictures or videos of that person's private area without his or her consent. This is usually referred to as voyeurism. However, in the interest of maintaining neutrality of language, the elements of the offence were captured. [*Interruption*] Gentlemen, silence. [*Laughter*]

Clause 20 seeks to criminalize the act of sending multiple electronic mail messages that are unsolicited and which cause harm to a person or damage to a computer. This clause deals with spam emails as we know them. In order for this clause to apply, the electronic mail messages must be sent to more than 500 recipients at a time and must cause harm to a person or damage to that computer. Subclause (2) also makes it an offence whereby the person falsifies header information with the intent to evade anti-spam technology for purposes of committing the above offence.

Clause 21 seeks to create the offence of harassment through the use of electronic means, with the intent to cause emotional distress for both adults and minors. This clause seeks to treat with harassment, cyberbullying, damaging one's reputation and extortion via the use of a computer system.



Part III, Enforcement: This seeks to provide the tools necessary to efficiently pursue the investigation and prosecution of cybercrime. I will seek to speak to some of the enforcement tools which will be available under this Bill.

Clause 22 will provide the jurisdiction of the courts of Trinidad and Tobago as it will relate to its territorial limits under the Act. This clause allows the extraterritoriality of the courts of Trinidad and Tobago in light of the fact that cybercrime has no borders. This is similar to what was in the Computer Misuse Act, and aligns itself to international models where the extent of the court's jurisdiction becomes important because of the transborder nature of cybercrimes without overreaching into another territory's sovereign rights.

Clause 23 would impose liabilities for offences committed by a body corporate or any person purporting to act in such capacity, as it is intended that companies that engage in activity, such as data espionage, must be captured for these types of offences and they must be aware that they can be prosecuted.

We move on to clause 24. This will empower the court to authorize the search and seizure of apparatus and computer data necessary for establishing an offence, or which has been acquired by a person as a result of the commission of an offence. It is intended that regulations will be introduced so as to regulate the search and seizure process by law enforcement so as to ensure protection of citizens' rights during the search and seizure process.

Clause 27 would empower the court to make a production order relating to computer data that is required for a criminal investigation or criminal proceedings. In this instance, a judge can order that information, regardless of the type. Therefore, content data and traffic data are covered by this clause, and to be disclosed by a person or Internet service provider for the purpose of the investigation or criminal proceedings.

Clause 28 empowers a judge to order the expedited preservation of computer data if he has reasonable grounds to believe that the data is susceptible to modification. This clause merely requires the subject of the order to preserve that data. This clause does not require the subject of the order to transmit the relevant data to the authorities, unlike clauses 27 and 30.

Clause 30, in fact, would give authority to a magistrate who has reasonable grounds to believe that data stored in a computer system is required for a criminal investigation, to order that partial disclosure of traffic data, and that this clause, that

is, clause 30, unlike clause 28 above, deals with disclosure in relation to traffic data only.

Clause 32 would empower the court to order payment of an additional fine where monetary benefits were gained as a result of the commission of an offence under the Act, or where loss or damage was caused as a result. This clause seeks to ensure that monetary gains do not occur as a result of committing a cybercrime and accords with the well-known principle that one should not benefit from the crime that they committed.

Clause 33 would empower the court to order payment of compensation for loss or damage suffered as a penalty for offences under the Act, and the procedure for making an application for such compensation. History has shown that the damage caused, or the extent of the damage that could have been caused by a cybercrime, is difficult to quantify. Furthermore, the penalties for a particular cybercrime are sometimes insufficient in comparison to the damage that was caused or could have been caused. As such, this clause, clause 33, seeks to empower the court, either upon their own volition or upon application by the victim, to require the accused to pay a fixed sum as compensation to the victim for that loss or damage caused, or likely to be caused.

Clause 34 would provide the procedure for the court to make a forfeiture order and the treatment of property forfeited as it relates to any property used for, or in connection with, or obtained as proceeds from the commission of an offence under the Act.

Mr. Speaker, the serious impact of cybercrime cannot be taken lightly. As such, we have empowered our courts, should they think it necessary, to order property forfeited where a person has been convicted of an offence under this Bill. However, we seek to balance this by allowing the person convicted the opportunity to be heard before such an order can be made so as to ensure a balance of rights.

Mr. Speaker, I move to Part IV, the Internet Service Providers. This part seeks to deal with the various providers of Internet services and is intended to provide them with a certain level of protection, thus encouraging their cooperation. Under this part, there is a general “no monitoring obligations” for ISPs, in that they are not responsible for monitoring the information over their networks, or a requirement to actively seek facts or information indicating such illegal activity.

Furthermore, the clauses also indicate, in relation to Internet service providers, such as access providers, hosting providers and caching providers, the circumstances where there would be no liability for them. However, should a

hosting provider or a hyperlink provider obtain knowledge or awareness of any offence under this Bill, such provider shall inform the appropriate authorities of same.

Part VI, under Miscellaneous, this part merely gives the Minister the power to make regulations and to repeal the Computer Misuse Act. Again, I would like to draw reference to the Sophos Labs, Security Threat Report, 2014—Trends to Watch in 2014, in which they listed the following emerging trends:

- attacks on corporate and personal data in the cloud;
- advanced persistent threats meeting financially motivated malware;
- malware diversifies and specializes;
- undermining hardware, infrastructure and software at the core; and
- hacking everything.

And through the malware, we can look at the software with the input of Trojan horses, to name a few.

Cyber security is of the utmost importance to everyone as a result of the growing use of technology, in light of the increasing sophistication of cybercrimes, and this Bill is necessary to protect our citizens and our cyberspace. We are no longer bound by only land, sea and air, we now have cyberspace to defend. I think it is going to be a game changer. It is important that we look at the importance of this Bill and that we can move on to the Cyber Security Agency Bill whereby we have seen the increasing reliance on information and communications technology (ICT) by various key actors in Trinidad and Tobago, as I mentioned, including Government, businesses and citizens.

The ever-increasing reliance on ICT is further underscored by the objectives of our Government's *Medium-Term Policy Framework 2011—2014*, which has identified the use of technology as a dimension to effectively combat crime, namely pillar 3, that being national and personal security.

So the Trinidad and Tobago Cyber Security Agency Bill, as we move on, such opportunities brought about by the reliance on ICT, it must be balanced by the need to mitigate and manage the risks that are sometimes towards the benefits available to the Government, businesses and citizens. In recognition of the need to manage these ICT-related risks, that inter-ministerial committee was established to develop the National Cyber Security Strategy, as mentioned, and the strategy, as you are aware, that was approved in 2012.

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Mr. Speaker, at this time, I mention that the Cyber Security Agency Bill and the Cybercrime Bill are both pillars under that National Cyber Security Strategy and they are complementary to each other, which is why it is being dealt with at this time. While the Cybercrime Bill treats specifically with the criminalizing of certain activities, both the Cybercrime Bill and the agency fall under the broader issue of cyber security. The Trinidad and Tobago's Cyber Security Agency mandate, therefore, is much wider, and I will indicate further.

Coming out of that IMC, it was acknowledged that after the expiration of its term, the implementation of the National Cyber Security Strategy would be difficult to implement due to the lack of the delineation of roles and responsibilities specific to cyber security-related issues, including, multi-points of contact; absence of communication and lack of cohesion between the Ministries and the private sector on cyber security attacks or breaches. Also, we could look at the lack of awareness of cyber security threats and the need for training and capacity-building among all stakeholders, such as civil societies, to treat with detection, response and recovery.

In order to coordinate the wide cross-sections of entities with perceived overlapping authority for the management of cyber security and ICT issues, and to manage the country's response to ever-evolving cyber threats, it is imperative to establish a cohesion between the public sector, the private sector and all key sectorial stakeholders. As such, it is proposed that the implementation of a governance framework is required to deliver the mechanism needed to manage and coordinate all activities related to the issue of cyber security and information security.

**12.45 p.m.**

In keeping with that governance framework, there is clearly a need for an agency to analyze the current and emerging cyber security risk, so as to better understand the challenges in the information network and internet security field. It is therefore proposed, Mr. Speaker, that the Trinidad and Tobago Cyber Security Agency be established by legislation to coordinate all sectors, given that the threat of cyberattack is not anticipated to abate any time soon. A lesson learnt from the IMC was that cyber security requires all government players to have a unified and cohesive front when dealing with cyber security.

The IMC provides an essential tool as it brought all the necessary government players to the table, which aided in the establishment of a comprehensive national strategy. After the expiration of that IMC, Mr. Speaker, such cohesion within the

Government, it is important because it is specifically needed to treat with the ever-changing nature of ICT and cyber security threats. It is therefore intended that the Trinidad and Tobago Cyber Security Agency, as a national agency, will bring together all these stakeholders. Such an agency, Mr. Speaker, is not uncommon.

For example, the European Union has the European Union Agency for Network and Information Security—ENISA. ENISA, that is the European Union's response to cyber security issues of the European Union member states. It is the pacesetter for information security in Europe and a centre of that expertise. The ENISA was set up to enhance the capability of the European Union, the EU member states and the business communities to prevent, address and respond to network and information security problems, along with facilitating the provision of exchange of information, best practices and knowledge in the information security field. The ENISA is not the only agency of its kind, as we have seen similar bodies such as the National Cyber Security Centre in the Netherlands, the National Cyber Security Council of Germany, and other such bodies in places such as South Korea, United Kingdom and Norway, to name a few.

It is seen that the TTCSA will, inter alia, facilitate information sharing amongst all stakeholders, establish security guidelines and standards for adoption by the various sectors, and advise of emerging threats and ways to protect critical infrastructures information system. The TTCSA will also be the focal point for Trinidad and Tobago regarding all cyber security-related issues. It is envisioned that, for example, should a request come through the central authority, for example, for mutual legal assistance regarding a cybercrime in Europe, the central authority can contact the TTCSA, who will then channel the information to the appropriate agency in real time.

Mr. Speaker, to illustrate the relevance of such an agency, let me cite an example that we can closely identify with. It cannot be overstated how heavily reliant we are on our energy sector, given that oil and gas is the largest income earner for our twin-island state. The Pointe-a-Pierre refinery is unique in this regard as, in addition to being the only oil refinery in Trinidad and Tobago, it is the only oil refinery in the world to co-exist with a wildlife park, as it shares a compound with Pointe-a-Pierre Wildlife Trust. A denial of service attack—[*Interruption*]

**Mr. Deyalsingh:** How?

**Sen. The Hon. G. Griffith:**—on the information system of the refinery—[*Interruption*]

**Dr. Gopeesingh:** Wildfowl.

**Sen. The Hon. G. Griffith:** Wild Fowl Trust—could not have only an effect on the production processes, but could also cause physical damage and impact on that wildlife park if the attack is aimed at causing an overflow.

Mr. Speaker, the energy sector makes up only one of the critical infrastructures of the country which also includes our health sector, communication sector, public utilities, to name a few. The interference with any critical infrastructure, in particular our energy sector, can have a crippling effect on our nation and our economy. All companies in the energy sector use some form of ICTs in the operations of the company, whether it is programmable, logic, controller, or a supervisory control or data acquisition. So, what I ask, Mr. Speaker, is that we learn from the other countries the ordeals and what they suffered from and understand that cyberattacks on critical infrastructure cannot only be done, but it can also cripple nations.

In order to combat that harsh reality, the TTCSA will have within its structure a national computer-incident response team, and that will treat with responding to cyberattacks in real time and the coordination of such a response. It is also seen that the computer-incident response team will be set up within the TTCSA to provide incident response and management services along with the provision of alerts and warnings on the latest cyber trends, threats and vulnerabilities. Furthermore, given the ever-changing nature of cybercrime and cyber security threats, a research and development unit within the TTCSA will be dedicated to researching all the new threats and locating the problems before major breaches can occur. Mr. Speaker, in Part I of the Bill it provides for certain preliminary matters as indicated—that is Part I. This Bill will come into operation on proclamation, which will allow the Government to put all the administrative processes in place prior to proclamation.

Part II of the Bill, more specifically clause 4, establishes the Trinidad and Tobago Cyber Security Agency as a body corporate. It has been determined that Trinidad and Tobago Cyber Security Agency must be an independent body, and by establishing this agency as a body corporate, it also gives the agency the continuity required given its mandate.

Clause 5 of the Bill, Mr. Speaker, states that the agency shall be managed by a board to be appointed by the Minister who, in this instance, will be the Minister responsible for national security. The board shall comprise members from the Ministry responsible for national security, the Ministry responsible for science and technology, a representative with experience and qualification in telecommunication, an attorney-at-law and a representative from the financial or

banking sector, also a representative from the e-business community, and to be chaired by a person with knowledge of and experience in computer network and Internet security.

Mr. Speaker, we have sought to ensure that both the public and private sector are represented on this board in light of the fact that the issue of cyber security spans across all sectors. The appointment of members to the board shall be for a period of two years with eligibility for reappointment, and clause 7 allows for the removal of a board member on specific grounds.

Mr. Speaker, moving on to clause 10, the functions of the agency, it is thereunder listed. It is intended that the agency will act as the national point of contact for all cyber security matters. Many different stakeholders deal with various aspects of cyber security, and with the agency being the national point of contact, it can better coordinate the various stakeholders. It is intended, for example, that should any international organization request any information related to cyber security, such a request can be made to this agency, which can then channel the request to the most appropriate agency. The agency shall also establish the national computer-incident response team which shall treat with all cyber security incidents.

Mr. Speaker, the agency shall also have the following functions: analyzing current and emerging risk which could impact on the resilience and availability of data communication networks; providing advice on cyber security-related matters including situational awareness, information to the Minister and the Trinidad and Tobago Police Service; enhancing co-operation between different actors operating in the field of network and information security; also awareness raising on the issue of cyber security and the promotion of best practices to be adopted by various users; developing and publishing standards for products and services on network and information security; also establishing and publishing baseline security requirements and standards for various sectors. It could look at conducting research and development in the area of cyber security and promoting the development of training and education programmes. Mr. Speaker, this agency will also be involved in promoting risk assessment activities, advising on the effective use and adoption of risk preventive technologies, developing the national cyber security contingency plan and, finally, coordinating cyber security exercises.

Mr. Speaker, it is intended that the Trinidad and Tobago cyber security agency will be the hub for cyber security and all cyber security-related matters, including setting standards and conducting cyber crisis management and co-operation exercises.

Mr. Speaker, I cannot overstate the importance of the need to set baseline standards and guidance policies. By way of example, the agency will work collaboratively with the Ministry of Science and Technology in providing the international standards for minimum securities specifications for the procurement of ICTs. This, therefore, ensures that the ICT is used by the Ministry of Science and Technology and, by extension, other government agencies, and has at the very least the minimum security requirement to create a secure ICT environment. While the minimum security requirements are not the be-all and end-all of the remit of the agency, it is a good start to ensuring safer computer systems and use of ICTs within Trinidad and Tobago.

Mr. Speaker, in order to carry out its functions, the agency is empowered at clause 11 to:

- “(a) formulate principles for the guidance of the public and private sector concerning information communication technology security measures;
- (b) refer...matters to the Trinidad and Tobago Police Service when an offence under the Cybercrime Act, 2014 comes to its knowledge;
- (c) enter into”—agreement—“with key stakeholders”—and foreign bodies, and—
- “(d) to do all the things”—that will—“be necessary or expedient or ...incident...to the discharge of...”—these—“functions.”

Mr. Speaker, as indicated above, the agency shall establish an incident management response team and that will be known as the TT-CSIRT, with the functions as listed in clause 12. The CSIRT shall be the first point of contact with reference to the handling of cyber incidents and communication between local, regional and international cyber security emergency response teams. The CSIRT shall also provide the alerts and warnings on the latest cyber security threats and vulnerabilities. It will also assess and analyze the impact of incidents and provide educational guidelines as to the appropriate use of the national cyber infrastructure.

Mr. Speaker, we could look at other international positions on the independence of cybercrime investigation and law enforcement efforts. We could look at Mumbai where this was done. The United States, there is the cybercrime task force. You can also look at Malta where the same was done. In 2011, Great Britain, they set up a cybercrime unit and that was set up to protect Britain against the growing threat of attacks on the Internet and electronic communication.



Mr. Speaker, Part III of the Bill provides for the appointment of staff of the board and other suitably qualified persons as experts. Clause 13 allows for the appointment of a chief executive officer and a deputy chief executive officer, and clause 16 provides for the appointment by the board of a finance committee, a human resource committee and an audit committee. Furthermore, clause 17 also allows for the secondment of persons to and from the agency.

Mr. Speaker, Part IV of the Bill provides for certain financial requirements of the agency, and Part V provides for certain miscellaneous matters. Clause 23 would place an onus of confidentiality on members of the board. Clause 24 will require a member to the board to declare an interest that might be considered prejudicial to the independence of the board, and clause 25 would seek to protect employees of the agency from action or proceedings for damage for any act that is done in good faith in the performance of a duty.

Mr. Speaker, before I close, again, with the Cybercrime Bill, the results are there in going back to the illegal access to a computer system, illegally remaining on a computer system, illegal interception, illegal data interference, illegal acquisition of data, illegal system interference, offences affecting critical infrastructure, illegal devices, unauthorized receiving or granting of access to computer data, computer-related forgery, computer-related fraud, violation of privacy, identity-related offences, harassment, utilizing electronic communication, cyber bullying, multiple electronic mail messages. It goes on.

Mr. Speaker, what is important is that, for this to be beneficial, obviously it being involved in cyber, you have to be part in it. The global threat of cyberattacks is growing in numbers and complexity as we speak. It is growing. With the Trinidad and Tobago Cyber Security Agency, we will now be poised to assist our citizens in being secure while enjoying the benefits of the World Wide Web. The agency will seek to ensure that standards are developed for safer online experience both for the private and the public sector, as well as engaging in public awareness for all sectors of society, ensuring that cyber security, like physical security is at the forefront.

Mr. Speaker, it is envisioned that the Trinidad and Tobago Cyber Security Agency will be the first agency of its kind in the region and will therefore be paving the way for cyber security matters regionally.

Mr. Speaker, I wish to support the Cybercrime Bill, 2014—[*Interruption*]

**Hon. Member:** You supporting your own Bill?

**Sen. The Hon. G. Griffith:** Yeah, I have to—and the Cyber Crime Security Agency Bill, and I thank Members for their support also which I expect.

Mr. Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Speaker:** I understand that the hon. Member for St. Joseph will be the first speaker for the Opposition. I just want to advise that leave being granted for the debate on both Bills, that Members are asked when they are speaking to make reference to both matters. But, it is now just after 1.00, we started at 10.00 this morning, it is time for us to pause for lunch. This sitting is now suspended until five minutes past two p.m.

**1.02 p.m.:** *Sitting suspended.*

**2.05 p.m.:** *Sitting resumed.*

**Mr. Speaker:** The hon. Member for St. Joseph.

**Mr. Terrence Deyalsingh** (*St. Joseph*): Thank you, Mr. Speaker, and I welcome everyone back from lunch.

Mr. Speaker, if you would allow me to start with three very quick personal observations. First of all, on behalf of the People's National Movement, we on this side would like to heartily congratulate the Member for Couva North on the birth of her son and first child and welcome her back to the parliamentary Chamber, [*Desk thumping*] and I am sure I speak for all Members when we say congratulations.

**Miss Ramdial:** Thank you.

**Mr. T. Deyalsingh:** Job well done. Welcome back.

Mr. Speaker, the second very personal observation has to do with a letter that appeared in the *Newsday* of yesterday written by one, Gillian Field. Very often, in holding people to account, we tend to highlight the negatives, but Miss Gillian Field chose to go to the papers to explain to the population a very tragic incident, that is the death of her daughter by accident, but she chose the newspaper to relay to the public her gratitude for the way she was treated at the Port of Spain General Hospital. And it is very often we come down on people and we do not recognize the good things that they do.

The very third personal note: again, we like to say when things go wrong but we do not give congratulations when things go right. Yesterday, I was on the Priority Bus Route, stopped by the police doing their normal checks and the

courtesy of the officer was exemplary. He approached me in a very professional manner, a very polite manner—very tall and slim chap so it was literally the long arms of the law, and I was in and out in 45 seconds flat. So I just wanted to make those very three brief personal interventions today.

Mr. Speaker, we are here to debate two Bills and we have agreed to take two Bills in one: the establishment of the Cyber Security Agency and then a Bill to provide for the creation of offences related to cybercrime and related matters. The Minister of National Security, in piloting the Bill, did not, at any time, tell us what is the policy position of the Government. He spoke about measures but at no time were we regaled with what is the policy position of the Government when it comes to cybercrime.

The two pieces of legislation, when taken together, seem to want to criminalized behaviour in the private sector, the state sector and in our view, on this side, it does not speak enough to where the real focus on cybercrime legislation should be and that is on critical infrastructure, that is, the use of computer systems, whether it is private sector or public sector, but that are used in the governance of Trinidad and Tobago. Not only that, Mr. Speaker, when I come to the Bill, to create 17 new offences, it is our intention on this side to demonstrate the unconstitutionality of some of those measures and where they would not satisfy the section 3 exception of the Constitution. So, Mr. Speaker, I go on.

I also want the members of the public to pay particular attention to the 17 new offences because these 17 new offences will make it very difficult for the PNM public service—because we know now that the public service has two generations of PNM plants in it. I want the public service, the PSA, the OWTU and every other union that represents people to understand how this Bill will be used against them.

I want the media to pay particular attention to a clause which I will come to because this media was in euphoria a few short months ago when the Government decriminalized libel and took away the jail term. We told them at the time, “You are making an error”. I want the media, media houses, media practitioners, to understand that the same way the Government taketh and giveth, they took away criminal libel, they are now putting it back in this Bill but with harsher penalties. We told the Government at the time. We told media practitioners, “Do not celebrate too quickly”, and we will demonstrate how this Government has betrayed their friends in the media.

Mr. Speaker, the hon. Minister, in piloting, mentioned the fact that we were ranking something, something in some index. What the Minister did not tell us,

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because of crime, because of this Government's non-adherence to transparency, that we have also fallen three times in the Corruption Perception Index. Do you know that, hon. Minister? Under your watch—not your watch personally, but under the watch of the Government of which you are a part, we have fallen rapidly three times and maybe cybercrime is now one of them.

Mr. Speaker, the legislation we are attempting to pass today, the PNM is making it perfectly clear in its current form we cannot support it. We support what you are attempting to do. We support the general purport and intention. We need cybercrime legislation but the rush and the haste in which you are bringing bad legislation cannot be supported by the People's National Movement. [*Desk thumping*]

I will try to explain why and I will deal firstly with the establishment of the agency. Mr. Speaker, in establishing the agency, I was forced to look at what are the different bodies and agencies that we need to consider in looking at this Bill. We need to look at airport security and there is a company doing work in Trinidad and Tobago called SITA Aero, S-I-T-A. Have we considered them? Because cybercrime and aviation safety go hand in hand, and SITA operates a couple hundred of Common Use Terminal Equipment in Trinidad and Tobago called CUTE. So that is what I am saying, hon. Minister: what is the policy? So SITA is one agency we should be looking at.

Have we looked at how we articulate with Interpol? And I will come very soon to that. Have we looked at the telecom providers Digicel, TSTT, even Flow? Have we consulted with the banks?—because people's personal information: their pin numbers, bank account numbers and so on. The insurance industry, the service industry, the stock exchange; the oil and gas, PowerGen, power generation. That is the type of discussion and consultation which I hope may have taken place, but, Mr. Speaker, which the hon. Minister did not say. So, hopefully, in his wrap-up, he will tell us whether he consulted with all these people I have mentioned.

Mr. Speaker, the bulk of my contribution will focus on the crimes, the Bill to create offences. I just have a few short notes to make on the establishment of the agency to show where the policy recommendation we cannot support. I quote from Part II of the Bill, clause 4(2):

“The Agency shall have an official seal which shall be authenticated by the signatures of—the Chairman;”

Then we come to clause 5:

“The Agency shall be managed by a Board appointed by the Minister, which shall comprise the following members:

- (a) a Chairman being a person who has knowledge of and experience in computer networks and internet security;”

Mr. Speaker, if I stop there, on that clause alone, 5(1) (a), we cannot support this Bill and I will say why.

- “(a) a Chairman being a person who has knowledge of and experience in computer networks and internet security;”

This position of chairman, in our humble view, calls for somebody who is au courant with cybercrime, who has maybe studied cybercrime, and a quick check of some of the programmes available to do your degree, your BSc and your masters in cybercrime, will reveal some of the following modules. For example, foundation in cyber security, ethics in IT, digital forensics in the criminal justice system, security policy analysis, finite mathematics, practical applications in cyber security management. These are just some of the foundation courses in a BSc programme in cyber security, but listen to what the chairman needs to have:

“...who has knowledge of and experience in computer networks and internet security;”

Mr. Speaker, by the qualifications laid down here in 5(1) (a), do you know who is suitably qualified for this position? Resmi Ramnarine. Resmi Ramnarine could apply for this position because, according to the CV given by Resmi, Cabinet Note No. 92, to the then Minister of National Security, she was the acting chief of Telecom Technology at the Ministry of National Security. She has experience with computer networks because she was a telephone operator, that is a computer network. So, on that alone, we cannot support this. This is the type of qualification you want for the chairman of the agency:

“...knowledge of and experience in computer networks...”

That is nebulous. It speaks to a position of no thought. So Resmi Ramnarine could be the chairman of the Trinidad and Tobago Cyber Security Agency. She is suitably qualified.

Mr. Speaker, they go on to talk about a representative of the e-business community. I want to ask the Minister is there an association called e-business community? Who is representing the e-business community? My last check tells me that we have an e-business policy committee and the last chairman I know is

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Dr. Finbar Fletcher. I do not know if he is still there, but he is the Chairman of the e-business policy committee. He is not a member of the e-business community. So if somebody could tell me who is this e-business community? So, Mr. Speaker, I will leave the establishment of the agency for now because I want to spend the bulk of my time talking about the offences.

The offences. We have a Bill, “An Act to provide for the creation of offences related to cybercrime and related matters”. It is a 47-clause Bill that creates 17 new offences in Part II. Now, cybercrime legislation, throughout the world, has given every territory problems. The United States, even after the attacks of 9/11—what year was that? [*Interruption*] 2001; 13 years after that, it is only between 2013 and 2014, they have been able to try to put something on the books, because cyber security laws run counter to the Constitutions of most free countries.

When we, on this side, speak of the Constitution, it is not that we want to be soft on crime, it is because there is something called a Constitution, the parameters of which we need to operate within.

**2.20 p.m.**

So we are creating 17 new offences and we are repealing the Computer Misuse Act, 2000, which the hon. Minister alluded to. Let me just, for the sake of records, alert you, Mr. Speaker, and the country, and the House, as to the history of that Computer Misuse Act, 2000. That Act was piloted by the then Attorney General, Ramesh Lawrence Maharaj, of the UNC Government of 2000. At the end of that debate, certain flaws were pointed out by the then PNM Bench. The hon. Member for St. Joseph then, Mr. Mervyn Assam, gave certain assurances that the flaws pointed out by the then PNM in the Computer Misuse Act would be looked at before proclamation. But the Act was assented to in 2000, assented to by Cabinet. It was never proclaimed, because it was inherently flawed. That is a fact, you can go into the *Hansard* and look at that.

So the Computer Misuse Act which we are repealing today was never proclaimed. It was debated, it was assented to in 2000, but never proclaimed. Check it and see. It was assented to. On the tparliament.org, when you check it, you will see it was assented to. [*Interruption*] Because it was hopelessly flawed. [*Interruption*] Hold on, hold on.

So what we are seeking here to do today, Mr. Speaker, the problem with the legislation that they are bringing is that these 17 new offences are going to run afoul of Constitutional considerations, it does not consider other pieces of

legislation. Mr. Speaker, this piece of legislation touches and concerns the Anti-terrorism Act, the Telecommunications Act, the Children Act, and you know what is startling, it touches and concerns the Children Act and today, just today, this morning, an amendment was circulated about definition of a child and child pornography; today, removing it. It touches and concerns the Data Protection Act, the (Electronic Monitoring) Act. It touches and concerns the Evidence Act, section 14 (b), which deals with the admissibility of computer records. It touches and concerns POCA, Proceeds of Crime Act. It touches and concerns the FIU legislation, it touches and concerns the Interception of Communications Act. My question to the hon. Minister, were all these pieces of legislation considered? Do we have to make amendments? I have just called out 10 pieces of legislation, there may be more.

Mr. Speaker, this Government has a habit of talking loosely about constitutional principles, and they tell the PNM we are soft on crime. It is not that we are soft on crime, it is that if you pass bad laws, they will be struck down for unconstitutionality. And I want to deal with one issue, if it is under this piece of legislation—and I think the Minister mentioned the DNA Act—somebody accused of a cybercrime touches a computer board and we lift a DNA sample out of that keyboard, and under the Administration of Justice Bill, which we debated this morning, and on which the Member for Port of Spain South did a wonderful job, talking about the retention of DNA samples. And when the Member for Diego Martin West rose to ask a question, if somebody has a DNA sample left on a keyboard and you lift it, and you give this Government the authority to store it for 20 years or more, it is going to be deemed unconstitutional, hon. Minister.

It is not that we are soft on crime, it is not that we are against that, but in *Marper v UK*, it was held that indiscriminate keeping of DNA samples—that blanket and indiscriminate keeping of DNA samples—breached the right to privacy under Article 34 of European Court of Human Rights. It is as simple as that. It has nothing to do with being soft on crime. The laws are going to be unconstitutional. And England, had to accede to their own Supreme Court ruling to decrease that retention of 20 years down to three to six years for certain categories of persons from whom DNA samples have been kept. That is the point the Members for Port of Spain South and Diego Martin West were trying to make this morning. But, again, the same way keeping DNA samples for 20 years according to *Marper v The UK*, and we are still going to the Privy Council. We will show how some of these measures are going to be unconstitutional.

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Mr. Speaker, one of the first issues that we have to address in this Bill is under Part II, 17 new offences. And, Mr. Speaker, each of those clauses, each of those new 17 offences, the following words precede each of the 17 new offences, and I will just read it into the *Hansard*:

“A person who, intentionally and without lawful excuse or justification,” and then it goes on, whether you access, do whatever. The key words are, “intentionally and without lawful excuse or justification”.

Mr. Speaker, I am sure when this Bill passed through the Legislative Review Committee, the Chairman being the Member for St. Augustine, criminal lawyer that he is, will know, will know that in the criminal law the word, “intention” has given jurisdictions all over the world problems. What is intention? It is not the time or place here and now to go through the whole list of cases from *Nedrick and Woollin* to talk about what is intention, or what flows from intention. Was it that your actions were certain, virtually certain? Is it that a jury may be instructed to find intention or to infer intention? My point in raising the issue of a definition of intention is because nowhere is the word “intention” codified or defined in any piece of criminal law.

Intention is a very nebulous thing. Sometimes the courts may use a subjective test, sometimes they may use an objective test. An intention, when we put the word “intentionally” before every new offence, it is going to give us problems. It is going to give us problems.

In 2006, the UK Law Commission made a recommendation of the way to look at intention, and I want the public servants to pay particular attention to this. I want the PNM public servants, all of them, all 30,000 who have been branded as PNM public servants by the theocratic leader of the Government.

**Dr. Gopeesingh:** The what?

**Mr. T. Deyalsingh:** Your theocratic leader. [*Crosstalk*]

**Mr. Speaker:** I will allow the Member and I will see where he is going. Continue, please.

**Mr. T. Deyalsingh:** I never said the Political Leader, you know. I said the theocratic leader of the Government, who has branded the whole civil service as PNM. And I will show you why they need to be in fear of you.

**Mr. Indarsingh:** What you have around your wrist there?

**Mr. T. Deyalsingh:** He does not speak for all Hindus, my friend. He does not speak for all Hindus. [*Desk thumping*] He does not speak for me, because he has



something against converted Christians, people like me, San Fernando West, and Caroni Central.

**Mr. Speaker:** No, no, please. Let us avoid the crosstalk. Hon. Member for St. Joseph, you address your remarks to the Chair, and ignore, and I will ask hon. Members to avoid the old talk and crosstalk. So when you are addressing, address your remarks to me and not to any individual Member of this honourable House.

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker, I will address my remarks to you, that there is a person who is against the PNM public service, and he is against converted Christians, people of Presbyterian faith, like myself, San Fernando West and Caroni Central, and this Act could be used to victimize them and I will show you why. *[Interruption]* And he does not speak for all Hindus. Mr. Speaker, I direct my comments to you. He does not speak for all Hindus; does not *[Interruption]* Withdraw what?

So Mr. Speaker, I want to demonstrate to this Government how public servants, how public servants need to be in fear of these 17 new clauses. Because it was even discussed at a Cabinet level, never became policy, it was discussed at a Cabinet level, the firing of PNM people. And I will show how this piece of legislation could be used to target PNM people, discussed at the Cabinet level.

Mr. Speaker, there is a case called *Gilmore v DPP*, a 1995 case, a Court of Criminal Appeal of New South Wales, which looked at section 76(c) of their Crimes Act 1914. The reason why I highlight 1914 is to show you how the word “intention” has been giving trouble since 1914. And that Act reads:

“A person who intentionally and without lawful excuse destroys, erases or alters data stored in, or inserts data into a Commonwealth computer, is guilty of an offence.”

Mr. Speaker, what was happening in that instance, a bureaucrat, a civil servant, a civil servant in New South Wales had the authority to go into the computer system and to enter a Relief Code 43, which would give certain tax reliefs to certain people. So he entered Relief Code 43 after relief had been granted to a taxpayer. But the relief was granted by someone else, but this person did not have the authority to grant the relief. He was not accessing the computer for fraud, he was not going to benefit in any way. He was simply doing his job but, possibly, possibly on the instructions of his superior saying, “you know what, you are accustomed doing it, go ahead and do it, I give you oral permission.”

It was held, and I want to read what was held because I want the civil servants to understand what is going on here.

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“A person commits an offence against section 76(c), if he lacks the authority to insert the particular information into a computer, notwithstanding that he has general authority to insert other information into such computer. An entry thus made intentionally”

—note the word, intentionally—

“and without lawful excuse”

—the same words in this piece of legislation—

“and known to be false is made without lawful authority, even though there was no financial gain.”

All he was trying to do was to expedite a workload; civil servant. Going beyond the call of duty. He lost the appeal, he lost the appeal, and that case was deemed to be good law in three cases after—*DPP v Murdock*, *Kenelson v Deer* and *Barker v R*.

What is happening now, Mr. Speaker, as I said, many legislatures around the world are grappling with this thing about intention, [*Interruption*] and I will give you a possible solution. Some jurisdictions, and if you look at the convention on cybercrime, which I am sure the hon. Minister would have looked at the convention on cybercrime, which looks at all the jurisdictions are saying, maybe it is time to get rid of the word “intention”. It has been causing a lot of heartache in criminal law, whether it is for murder, manslaughter, arson or recently for cybercrime, and focus on whether the intention was dishonest, and say, was it dishonest intention. And that is what I am saying, that you have this Legislative Review Committee that does not understand, does not take the time to research, a criminal lawyer heading the Legislative Review Committee will know that the words intention and intentionally, in criminal law, are problematic; problematic.

Mr. Speaker, there are instances today, and the hon. Minister spoke about it, of cyber bullying, where civil servants, again, are being cyber bullied. Mr. Speaker, permit me to read the *Newsday*, Tuesday June 10, because cyber bullying is using any device, under this law, it could be a computer, it could be the iPads which we have, it could be a phone. Text messages are considered data. And it considers a headline:

Ministry officials fear for their lives.

“PLOT TO KILL”

Not the PNM.

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“Ruth Marchan, Deputy Director of Physical Education and Sport, told *Newsday* of death threats directed at her via cellular phone text messages.”

—cyber bullying. You spoke about that today, hon. Minister.

“She linked these threats to what she said was her central role in the LifeSport programme. She has had to seek refuge aboard.”

That is the extent of cyber bullying in Trinidad. What are you doing about it, Mr. Minister? Have you traced these text messages to see from whence they came, from whom they came?

“Another official, Cornelius Price, Director...stated he had been told by the national security officials that death threats were directed at him.”

And it goes on to talk about cyber bullying. Miss Marchan said:

“I am being targetted because I would not condone corruption in the Life Sport programme...”

That is what is going on today, cyber bullying; cyber bullying.

What was the intention of those persons trying to issue death threats to Ruth Marchan and Mr. Price in 2014, after their crime plans, their manifesto, 120 days?

So Mr. Speaker, I come back to all these cybercrime offences, all of them. There is a lot of literature on how unconstitutional and badly drafted any law on cybercrime is, whether it is Nigeria, I looked at it, Australia, I looked at it; which all start up with the words, “intentionally and without lawful excuse or justification”.

And it goes on, the first crime. If you access—

“...a computer system or any part of a computer system, or”—access—“a computer system for the purposes of securing access to computer data, commits an offence”—and you go to jail, you pay a fine.

Mr. Speaker, when companies—and this is what I was asking through you, Mr. Speaker, the Minister of National Security—what is your policy position? Is it that we want to safeguard data held by private companies for their own use, like a supermarket, or are we more concerned with the critical infrastructure, Power Gen, oil and gas, TSTT, Digicel, that if they break down, the country is thrown into chaos? Because many of these offences seem to us to be targeting the private

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sector who have no part to play or who are not linked to government computer systems and are, therefore, not part of the critical infrastructure. But this offence could be targeted to any little company with two employees with a computer.

When a company gives you a laptop to use, they give you that laptop for accessibility, mobility. When you take that laptop out of the premises and you are working at home, when does permission cease to exist? If the employer wants to be bad and he wants to fire you, and you log on at home to do his work, can he say, “well, I now withdraw my permission to give you access”. Is that employee, is that civil servant who is doing some work for a Minister at home—So you need to tell us what access means, because it is too subjective the way it is.

Offence: “Illegally remaining in a computer system”.

This is even worse.

“A person who, intentionally and without lawful excuse or justification, remains logged into a computer system...”—“remains logged into”.

Mr. Speaker, how often has any one of us gone into a computer system, whether it is to go on Facebook, check your email, or in the case of a civil servant, to do the work, and you forget to log off—and you forget to log off, innocent mistake, innocent error. The law says:

“A person who intentionally and without lawful excuse or justification, remains logged into a computer system”—and—“continues to use a computer system commits an offence...”—and you go to jail and you pay a fine.

When is permission withdrawn when you are logged in? These tests are too subjective. They have given trouble all over the world.

7. (1) “A person who internationally and without lawful excuse or justification, intercepts—”—“intercepts”. Mr. Speaker, very often interception of data can take place by accident. It can, you know that, it is—how many times—*[Crosstalk]* I will come to that, I will come to that. I send an email to you with pictures of—*[Laughter]* you want a picture of me? How many times have you gotten a cross call on a telephone line? How many times have you been listening, using your cellular phone, and you hear another voice? That is interception, very simple. How many times have you accidentally deleted information by pressing the wrong button? Under this Act, deleting computer data is a crime, but the word, “intentionally” is the problem.

Section 9: “Illegal acquisition of data”. Nowhere in the world is this. Look at this:

“A person who, intentionally and without lawful excuse or justification, obtains for himself, or another person, computer data which is not meant for him or the other person and which is protected against unauthorized access, commits an offence and is liable—”

Mr. Speaker, there are various videos and audio tapes circulating in the country, many of us receive it, we do not want to receive it, but somebody sends it to us. It is sent to us, pictures of persons in various states of undress. So if we obtain that, do you know nowhere in the world is this provision put in, nowhere in the world. You are going to fail on a section 13, hon. Minister, you are going to fail. Simply forwarding information could be deemed a crime now, simply forwarding information. Because I could obtain it not wanting to have it, because with Whats App, and all that, people just forward you things unrequested, totally unrequested.

That is what I am saying. What is your policy position? Is it to protect critical infrastructure, or is it to go into the lives of people, lives of small businesses and make life difficult for them? Nowhere in the world would you find a clause like this where it is a crime to obtain for himself or another person computer data not meant for him. I could text any one of you now with something which you do not want, it is not meant for you. A crime has been committed.

Mr. Speaker, the Government has to tell us what is their policy position. There is a part in this Act which speaks to—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for St. Joseph has expired.

*Motion made:* That the Hon. Member's speaking time be extended by 30 minutes. [*Miss M. Mc Donald*]

*Question put and agreed to.*

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker. Thank you, Member for Port of Spain South, and thank you colleagues, all. Thank you colleagues, all.

Mr. Speaker, coming back to my question to the Government on their policy position, whether it is meant for businesses, private businesses, Government or critical infrastructure. A lot of these offences seem to be targeted at business people and employees in the business sector. Businesses can take care of themselves as far as IT management protocol is concerned under the clean desk approach, under ISO 2000, the whole ISO 2000 series. Mr. Speaker, the clean desk approach is simply

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this: it was first instituted by the founder of UPS, where he said, at the end of the day all employees must clean their desks; that is it. Do not leave anything hanging, put away all files, papers, and so on.

The clean desk approach for IT management means something similar. It codifies a set of best practices for employees, whether it is in the private sector or the public sector to adhere to in managing information technology, how to log on, when to log off, how to back up, how to prevent spam, all those things. So that is what we keep asking, what is your policy position? Because a lot of this Bill seems directed at the private sector; private sector, and then now we come to this.

One section, Mr. Speaker, section 11(1), deals with critical infrastructure. I have been harping since the start of my contribution, are we dealing with critical infrastructure or are we dealing with the private sector? As far as cybercrime is concerned, the private sector may be best able to look after themselves, but with the help of government support. What as a Parliament, we should be concerned with also is what we call critical infrastructure, and what is critical infrastructure, Mr. Speaker?

Remember I said recently, as I started, that even the United States was having trouble passing cybercrime laws, and they recently passed in 2013, after a couple decades of looking at it, their National Cybersecurity and Critical Infrastructure Protection Act. They have an entire Act of Parliament or Congress—they do not have a Parliament—to amend their Homeland Security Act to look at critical infrastructure, and to prevent against cyberattacks targeting critical infrastructure. And what do we mean by critical infrastructure? Power generation—Power Gen, oil and gas, BPTT, BHP Billiton, Shell. It means TSTT, Digicel. It means the banks, the insurance companies.

**2.50 p.m.**

Whether that infrastructure lies in the possession and hands of the private sector or the State, once they are linked and once they contribute to the security of the State, they fall under the umbrella of critical infrastructure, and that is what we feel we should be focusing on—not just as a paragraph, a section—offences dealing with critical infrastructure. That is why I keep asking, what is your policy? What is your policy?

The critical infrastructure Act of 2013 was one of the few pieces of legislation the United States got bipartisan support, Republicans and Democrats. It talks about their threat-sharing information—how do the different departments share

information?—because one of the problems with the investigations into 9/11 was that the FBI had information, the CIA had information, somebody else had information, and nobody was sharing it. Information was being kept in silos. We had a similar situation out of Dana Seetahal, where I read in the papers that one arm of the police has information, another arm, national security, and nobody again, is sharing information. We do not need an Act of Parliament, Mr. Speaker, to tell us that we could learn from the mistakes of others; sharing of information.

So that clause, hon. Minister, through you, Mr. Speaker, in our view, needs to be a central, a focal point, a fulcrum of this Bill. Not just shabbily treated in clause 11(1)—offences affecting critical infrastructure—because we are an oil and gas economy. We have a strong manufacturing sector. If power goes down, as it did, I think in 2012, remember when we had that big blackout, the country was plunged into chaos. That is a focal point of what we should be looking at—water, WASA’s computers and so on, right?

So the whole issue of what is critical infrastructure—because many countries now that have travelled this road before are now passing laws that state specifically and hold Act of Parliament into critical infrastructure, whether it is United States, whether is Nigeria. Nigeria has the Computer Security and Critical Information Infrastructure Protection Bill, 2005.

In Europe, they have the European Programme for Critical Infrastructure Protection. That is the direction that other jurisdictions are going after trial and error. We do not need to make the same mistakes again.

So, Mr. Speaker, this Bill speaks about a series of offences, and as I said, they seem to be directed in the wrong area. So I want to urge the hon. Minister, look at it again. On this side, we support what you are attempting to do, but there is no way we will support how you are attempting to do it. I have spoken specifically to about six or seven of the clauses.

Look at this clause, clause 13(1), Mr. Speaker, unauthorized receiving or granting of access to computer data.

“A person who is not authorised to receive or have access to computer data commits an offence if he intentionally and without lawful excuse or justification receives or gains access to the computer data from another person...”

Again, if I receive a video or audio recording about rats. What do I do? How am I covered? If I am covered?

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Mr. Speaker, we are not going to be supporting this Bill. It talks about people's private areas, but I want to talk to the media now. Mr. Speaker, how much time do I have left, please?

**Mr. Speaker:** You have until 3.24.

**Mr. T. Deyalsingh:** Thank you.

Mr. Speaker, we recently, against the wishes of the Opposition, against our advice, told this Government, and told every speaker opposite, not, not to take away criminal libel, as it relates to journalism, from our books. The old piece of legislation, under sections 8 and 9 which we debated in this House, took away the jail sentence of two years. We recommended to the Government "we agree in principle, if you want to take away the jail term, fine, but substitute it with a heavy financial penalty".

Mr. Speaker, it is important to understand the flip-flopping of the Government on this issue under clause 21(1), which is entitled:

"Harassment utilizing electronic communication."

I want the media, whether they are listening to me in Guardian media, Express, Newsday, TV6, CNC3, to see how this Government taketh away, but then rams you again. It is no secret that the IPI wants to take away criminal libel against journalists all over the world. Take away jail terms. It is no secret that they were down here in 2012, and the hon. Prime Minister in her wisdom, gave a commitment to do it. At that time relationships with the media were not what they should be. Journalists were under attack, Asha Javeed, Anika Gumbs-Sandiford, and like.

There was upheaval in *Guardian*, total upheaval, and the Government came here and said, it is time to take away the criminal libel and take away the jail term. We said fine. No problem. We do not want to jail anybody, but let us leave a heavy fine, not against the journalists, you know. Not against Asha Javeed or Ria Taitt, or who you have in the House. Mr. Lord or whoever. We do not want to target them, but the publishers and owners, who are the true owners, should be held accountable, and put a heavy fine. They said no, no, we are taking it away.

The hon. Attorney General in piloting said, Grenada has taken it away. We said no, Grenada has put it back in. We said to you do not do it, but the media was happy. There were articles written about Mr. Imbert's contribution and mine, because we were not in support of the totality of what you were doing. We said take away the jail term, but leave a heavy fine. You said no. So the media is happy with the UNC, happy, ecstatic, overflowing with love.



The same act that was perpetrated here about that criminal libel Bill, when we said Grenada has put it in. You said no. Similarly when we were debating another Bill, the Soldier/Police Bill, they came here and said Jamaica does not have it. It took Sen. Faris Al-Rawi and Sen. Helen Dayton to point out Jamaica repealed that law. So when we say we cannot trust you, we have good reason to.

Let us look at clause 21(1), Mr. Speaker:

“Harassment utilizing electronic communication”

I want the hon. Minister of National Security to tell us here today, what is his position on criminalizing offences, under this Act, targeted at the media:

“A person who”—and also the Member for St. Augustine, Legislative Review Committee:

“A person who uses a computer system to—

- (a) coerce, intimidate or harass another person with intent to cause emotional distress; or
- (b) cyberbully, intentionally or recklessly another person commits an offence.”

Good.

“A person who uses”—this is clause 21(2) now:

“A person who uses a computer system to disseminate any information...”

See where we are coming to now. What does the media do? They disseminate information.

“...statement or image knowing the same to be false...”

How are you going to prove it is false. So we have a video, we have a recording.

“and who—

- (a) damages the reputation of another person; or
- (b) subjects another person to public ridicule, contempt, hatred or embarrassment, commits an offence.”

Listen to this, clause 21(4):

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“A person who uses a computer system with the intent to extort a benefit from another person”—and the word “extort” is open to interpretation—“by threatening to publish”—a newspaper publishes—“computer data”—computer data could be a picture, pixels, audio recording, video recording—“containing personal or private information which can cause public ridicule, contempt, hatred or embarrassment commits an offence.”

This is targeted directly at the media. And what does the media get? They get on summary conviction to give to the State \$100,000 and three years’ imprisonment, but if it is conviction on indictment, what does the media get? They are invited to pay to the State \$250,000, and they will be housed at one of the State’s finest institutions for five years. Golden Grove, that is right. That is right Member for Oropouche East. You are going to put the media in Golden Grove for five years. *[Interruption]*

Prove it. Yes, prove it, right? So you have re-criminalized libel just like Grenada, just like Grenada. But you soaked up the praise a few months ago, and the media was ecstatic and demonized the Member for Diego Martin West and myself for our contributions on that Bill. We said every sphere of endeavour, Mr. Speaker, needs to be regulated. There is no such thing as an absolute freedom. Even we in the Parliament do not have an absolute freedom. We can be brought before the Privileges Committee. There is no absolute freedom, and the more freedoms you have, the more you are to exercise it, with some patience and judiciously.

I would love to hear another interpretation of clause 21(1), clause 21(2) and clause 21(4). I would love the media to get their opinion of clause 21. I want to know if certain Facebook bullies, of all stripes, are going to be caught under this. Mr. PEA, especially, a cyber bully if ever there was one. A cyber bully if ever there was one. Good friend of the Government. Apologist of the Government, apologist. So tell us, hon. Minister, in your wrap-up today, what are your views on clause 21? Tell us. Tell us.

**3.05 p.m.**

Let us talk about offence by a body corporate, clause 23:

“Where a body corporate commits an offence under this Act and the Court is satisfied that a director, manager, secretary or other similar officer of the body corporate, or any person who purports to act in such a capacity:

- (a) connived in or consented to the commission of the offence; or
- (b) failed to exercise due diligence to prevent the commission of the offence,

the director, manager, secretary or similar officer or person purporting to act in that capacity also commits the offence.”

Do you know what a body corporate is and who falls under a body corporate? CNC3, One Caribbean Media Limited, The *Mirror*, The *Punch*, TV6, TV3—all fall under this thing called a body corporate. So the Government takes away with one, gives with one and then takes it away again, but in taking away, you put back more onerous terms. You jail them for longer.

Mr. Speaker, I want body corporates in Trinidad and Tobago to pay particular attention to clause 23, especially body corporates falling under the ambit of the media. I want the media to pay attention to clause 21 and clause 23 to see what this Government is doing because, in this state, we are not supporting this Bill. Not! You either agree to withdraw it—but you have your three-fifths, “eh”, you will get it; you have it here. We will see what happens in the other place.

Mr. Speaker, the hon. Minister, in piloting this—we cannot call it a suite; it is two pieces—did not tell us in any sort of detail what is the articulation between these two pieces of legislation and the Trinidad and Tobago Police Cybercrime Unit. If in his wrap-up—because we understand from the legislation, the agency could direct the cybercrime unit to investigate—what is going to happen with the cybercrime unit of the Trinidad and Tobago Police Service? Are they going to be well armed? Are they going to be trained? What is the role and function? Because like the procurement legislation, which was passed recently, which will not be proclaimed for four years because they have all those offices to set up, similar with this.

If the Minister in wrapping up could tell us how long would it take us to set up the agency because we have had the experience with the Indictable Offences Bill, which we agreed to pass because we agreed that you needed Masters of the Court, four judicial centres, forensic science centre. We gave you that piece of legislation on the promises that certain things will be done before proclamation. Never done, but you proclaimed section 34.

My question is, Mr. Speaker: With this piece of legislation, when is this going to be proclaimed? How long will it take us to train people to sit on that seven-person board? And we are not agreeing to the chairman being a person with knowledge and experience—Not!—with merely knowledge and experience. That does not serve the interests of Trinidad and Tobago, hon. Minister, because, as I said, Resmi Ramnarine is suitably qualified for that position. She was a telephone

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operator, so she used computer equipment. She worked in the SIA, so she had experience. We are not supporting that. We are not supporting that. We want to see a chairman with certain skills, certain types of experience, certain types of training. This is not going to be Resmi Ramnarine 2.0, to use a computer term. Not! Not! Absolutely not!

Mr. Speaker, those are some of the problems we have encountered with this. I want to reiterate: In looking at clauses 21 and 23, which deal with the media, I want the hon. Minister to tell us, did he consult with MATT, the Media Association of Trinidad and Tobago? What does the Law Association of Trinidad and Tobago have to say? And we are not taking your word for it that you consulted. We have been down that road with section 34 already. [*Interruption*] But you are part of the Government. You are part of the Government. You cannot point and say, “Who me?” You are part of the Government. You were the National Security Advisor to the Prime Minister during the section 34 fiasco. Tell us! We want to see written certification from MATT, that MATT agrees to the two clauses, 21 and 23, that I have spoken about, which seek to criminalize their behaviour.

There is a Caribbean Media Association, what do they think? Mr. Rickey Singh writes in the paper all the time. Mr. Capil Bissoon writes in the papers all the time. What are his thoughts? The Law Association, what are their thoughts? And the Criminal Bar Association? Because I am sure the Criminal Bar Association will have a lot to say on clauses 21 and 23. I am sure the Criminal Bar Association will have a lot to say about the way the courts interpret the word “intention” in criminal law.

So, Mr. Speaker, as I close, we on this side repeat our support for the intention, but we condemn the method and the Government has three options: pass it with your majority; go to a joint select committee where all these issues could be aired and come back with a workable piece of legislation; or, finally, withdraw it in totality—because it is going to run afoul of section 13 of the Constitution—and come back with something which could pass constitutional muster.

It is not that we are against the legislation but, just like the fingerprinting issue, we swear to uphold the Constitution and similarly the way *Marper v UK* says, you cannot hold DNA indefinitely; the indiscriminate holding of DNA samples, we uphold that position. It has nothing to do with being soft on crime. This Bill is not in keeping with either the spirit or letter of the Constitution.

Mr. Speaker, with those few words, I thank you.

**The Minister of State in the Ministry of Environment and Water Resources (Hon. Ramona Ramdial):** Thank you, Mr. Speaker. It gives me great pleasure, this afternoon, to speak on this Bill, the Cybercrime Bill, 2014 and, of course, to show support for it. As much as the Member for St. Joseph had a long diatribe about not supporting—

**Dr. Browne:** You cannot say that. No.

**Miss Mc Donald:** Take back that word! Take it back!

**Mr. Speaker:** You could be more elegant in your language.

**Mr. Deyalsingh:** I was kind to you.

**Hon. R. Ramdial:** Sorry, Member for St. Joseph. Mr. Speaker, as much as the Member for St. Joseph spoke about the intention of this Bill and, of course, for legislation later on, not being in view or not being in whole—[*Crosstalk*]

**Mr. Deyalsingh:** Civility is lost on them. [*Hon. R. Ramdial sits*]

**Mr. Speaker:** Allow the Member to speak in silence! Continue, hon. Member!

**Hon. R. Ramdial:** Thank you, Mr. Speaker. So as much as the Member for St. Joseph is not in agreement, of course, with the intention of this Bill; as much as he states that he is in support with where we want to go with this, but not in support of how we are going to do it, I want to debunk that opinion and let the House know and, by extension, the public know that we are on the right track with this Cybercrime Bill, 2014.

The UK Mail Online reports, through the article, “Hackers are holding the world to ransom”: meaning, of course, cyberattacks cost the global economy more than £238 billion a year or \$400 billion a year. It costs the world more than 0.5 per cent of its GDP; it damages the global economy as much as illegal drugs and piracy. McAfee Reports found 200,000 jobs have been lost as a result of cyberattacks and there are at least 20—30 cybercrime groups operating on a nation state level.

The challenge remains, Mr. Speaker, in the lack of understanding among the public and that is what is most important. I think even the Member for St. Joseph himself does not understand, in entirety, the Bill and where it is that we are going with this.

As a Member of Parliament, it is my duty and obligation to inform, educate and, of course, maintain a level of understanding with respect to where the Government, and the Government I represent, is going with respect to our legislative agenda and, therefore, I would like to go into some detail to explain

some of these cybercrimes that are contained here in the Bill this afternoon.

Cybercrime or computer crime refers to any crime that involves a computer and a network. The computer is the object of the crime such as hacking, phishing, spamming, or is used as a tool to commit an offence such as child pornography, hate crimes and cyber bullying.

Cybercriminals or hackers may use computer technology to access personal information, business trade secrets or use the Internet for exploitive or malicious purposes. The Member for St. Joseph was correct when he drew the point out that cybercrime and cyberattacks on utilities with respect to different countries—and, of course, secrets of different governments—are most important. And that is very true, that point he was trying to make.

In addition to that, every single citizen, not only in Trinidad and Tobago, but globally, is affected by some form of cybercrime or cyberattacks in today's society. Common types of cybercrimes include: online bank information theft, identity theft, online predatory crimes, unauthorized computer access.

Clause 2 of the Cybercrime Bill, 2014 goes on to make provisions for cyber bullying and cyber bullying has become huge, a growing problem in today's society and globally. Cyber bullying is a practice where an individual or group uses the Internet to ridicule, harass or harm another person.

The social or emotional harm inflicted by cyber bullies grows out of or leads to physical bullying in the offline world. Victims of cyber bullying are recommended—and of course these are some recommendations that come, not in the Bill, of course, but just generally—to block cyber bullies on all social media sites, to report cyber bullying to website administrators, to avoid sharing personal details online and for minors to speak to a trusted adult.

In Trinidad and Tobago—and, of course, the Member for Moruga/Tableland will continue this detailed speech on cyber bullying—the teenagers of our country and the youth of the country are most affected by cyber bullying as we have seen in recent times. It includes sending messages, mean messages, or threats to a person's email account or cell phone. It is the spreading of rumours online or through text; the posting of hurtful or threatening messages on social networking sites or web pages.

It is the stealing of a person's account info to break into their own account and send damaging messages. It is pretending to be someone else online to hurt another person. It is taking unflattering pictures of a person and spreading them through

cell phones or on the Internet; and, of course, it is the sexting or circulating sexually suggestive pics or messages about a person.

In Trinidad and Tobago, we would have seen an increase in this growing problem, especially amongst our youths and I know for a fact that the Ministry of Gender, Youth and Child Development is working on this, in trying to solve this problem.

**3.20 p.m.**

Mr. Speaker, another form of cybercrime or cyberattack is that of phishing, but it is spelled P-H-I-S-H-I-N-G but pronounced “fishing”. It is a fraudulent act of acquiring private and sensitive info such as credit card numbers, personal identification and account user names and passwords. Using a complex set of social engineering techniques and computer programming expertise, phishing websites lure email recipients and web users into believing that a spoof website is legitimate and genuine.

Mr. Speaker, I am sure, many of us may have been victims to such activity on the web where we saw a page and it is attractive—something attractive that holds our attention—and we go on and before you know it, it is a fake site and, of course, your personal information is being hacked into.

Phishing, Mr. Speaker, uses link manipulation, image filter evasion and website forgery to fool web users into thinking that a spoof website is genuine and legitimate. Once the user enters vital info, he or she becomes a victim, as I have mentioned earlier. However, phishing is preventable. You can use updated security tools, antivirus software and spyware and firewall to protect your own account.

Never open unknown or suspicious emails; never divulge personal info requested by emails such as name, credit card numbers, et cetera; double-check the website or the URL for legitimacy by typing the actual address into your web browser and, of course, Mr. Speaker, verify your website phone number before placing any calls to the phone number provided via email. Mr. Speaker, and these types of cybercrimes have reached home. It has reached home and, therefore, our Government and the Minister of National Security and, by extension, every other Minister here in the House, saw it fit to bring this Bill here today, the Cybercrime Bill, 2014, so that we can deal with this growing problem that has become a menace to all of us.

Mr. Speaker, another vicious type of cybercrime is that of hacking and, of course, it is one of the more popular ones. It is the unauthorized intrusion into a

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computer or network. A person engaged in hacking activities is generally referred to as “a hacker”. Hackers may alter systems or security features to accomplish a goal that differs from the original purpose. A variety of techniques used are vulnerability scanners, password cracking, packet sniffer, spoofing attacks, rootkits, Trojan horse—one of the more popular methods—viruses and keyloggers. Mr. Speaker, these are some of the very important and serious types of crimes that we have here within the Cybercrime Bill and, of course, provision is being made to deal with this and treat with it in a most serious manner.

Mr. Speaker, I just want to say that I, myself, was a victim to hacking about a year ago. When I engaged the protective services to assist me to find out where it came from—my email was hacked and, of course, everybody was getting a mail stating that I was trapped in a foreign country and I needed money and send money now. I engaged the protective services—I think some of my colleagues proceeded to send money to save me. I thank you all, very much. [*Laughter*] You know, now we laugh at it, Mr. Speaker but, at that point in time when it happened—and that was like about six o’clock in the morning, everybody was, you know, up in arms, and they were calling me and they were texting me wanting to find out if everything was okay. I, myself, when I observed and I looked at my account and I saw what was happening, I engaged the protective services, and there was a phone number that was posted to call if you wanted to send money to save me. When they called and traced the call—it came from the UK—it belonged to a Nigerian person in the UK, and there was a conversation that was held between that individual in the UK and, of course, the police here.

But, Mr. Speaker, I only say this in this Chamber so that it can serve the purpose to show that we need critical infrastructure, and we need legislation to protect ourselves from hackers and to protect our vital information and personal information out there. Because I can tell you, Mr. Speaker, most of my colleagues and even those on the opposite side, we work via our iPads—the Member for St. Joseph is in front of me on his iPad right now, and I am sure he is logging on to something—we use our cell phones.

So, Mr. Speaker, we are heavily dependent and we rely on, of course, technology in this day and age, especially as Members of Parliament, so that we can do our duties and carry out our jobs effectively and, therefore, with this Cybercrime Bill, 2014, this will give us added protection. Of course, later on, we will see, under the Minister of National Security, he will be spearheading this move with respect to the agency, to build the agency and, of course, to start building framework and structures that will allow for this Bill to be implemented effectively.



Mr. Speaker, I know that the Minister of National Security in his winding-up will tell us exactly the timelines and what we will be able to see happening in the very near future.

Mr. Speaker, I just want to refer to the Bill itself, and clauses 5 to 21 seek to identify the different types of cybercrimes and, of course, how it is going to be dealt with. I am particularly pleased to see that cyber-bullying will be dealt with, with respect to a fine of \$100,000 and three years' imprisonment, and on summary conviction of a fine of \$250,000 and five years' imprisonment on conviction and on indictment. These are some very strict or some very serious pieces of legislation that are most important here in carrying out the job of the Ministry of National Security.

Mr. Speaker, I also want to go on to say that the Member for St. Joseph made mention with respect to these types of legislation in other jurisdictions that were recalled later on, and having new legislation put forward with respect to protecting a broader spectrum when it comes to Government and, of course, the security of assets of the Government. And, of course, as I mentioned earlier, he is correct, but I know that this Bill—and I know that the Minister of National Security—there is going to be an evolution to this Bill and, of course, later on there are going to be additions where, as we move on as a Government and as a citizenry that we will see that there is need to expand this particular Bill, Mr. Speaker.

I do not think that there is a need to stop the passing of this Bill or to go back to the drawing board with respect to this Bill, because it is crucial and it is very important. Members of Parliament and Ministers would tell you that they themselves have all been victims like myself and, therefore, there is a crucial and critical need for this piece of legislation. The Member for Oropouche East himself was a victim not too long ago of this hacking, and the interception of his personal information and, therefore, we all need protection, Mr. Speaker. I am sure the Opposition Members themselves, if they were victims or they are potential victims—we are all potential victims—they themselves would see the need to have this Bill passed here today.

Mr. Speaker, in addition to that, I just want to reiterate that the youth of our nation and the children of our nation they are most important. They are who we work for, at this point in time and, therefore, we need to take seriously creating a framework and a structure for them, so that they can operate effectively and productively as we move ahead in time.

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Mr. Speaker, in addition to that, the protective services of Trinidad and Tobago has been doing a wonderful job. I have utmost respect for them, the police service in this country. They have been assisting all of us, and they have been really coming out there and putting their all in recent times, and it is all because the Government has shown the political will to want to fight crime in this country. [*Desk thumping*] We have not let this Opposition stop us from bringing crucial pieces of legislation to this House in order to change our society for the better.

Mr. Speaker, I have never seen so many pieces of legislation come to the House before with respect to dealing with crime as compared to other governments. I am part of it, and we are taking a proactive approach, Mr. Speaker. [*Interruption*] I am not going to be sidelined by the Member, Mr. Speaker. We are taking a very proactive approach in fighting crime. [*Crosstalk*] Yes, I need some cyber protection here.

Mr. Speaker, as I was saying, we have, as a Government, taken a proactive approach towards fighting crime. We have the political will. We have heard the Prime Minister speak on many occasions and, therefore, we need to strengthen our institutions that are responsible for fighting crime in this country. And when we see positive progress and positive action taking place, and we see moneys being allocated to the police service, to the army and, of course, to just institutions of state that would assist us in fighting crime, in our legal jurisdiction, we need to show support, even as an Opposition.

I know for a fact that the Opposition has shown support in the past, but continue to also malign us as we move ahead. So, at the end of the day, it is Opposition politics, as I always like to say in the House, but I know for a fact, and as a Member of Parliament, I am seeing the change and I am seeing the effects on the ground with respect to my constituents, especially in central where we have the protective services now taking a proactive approach.

This afternoon I want to, again, commend Superintendent Johnny Abraham for his proactive approach in terms of dealing with crime. He is a most accessible individual, Mr. Speaker. We liaise quite well together, and he is able to assist me as a Member of Parliament in dealing with crime in central.

In addition to that, I have seen the protective service and I have seen the central division take a proactive approach with respect to the community policing initiative and, therefore, as a Member of Parliament, I have partnered with them, and we have gone all through the length and breadth of central forming community policing executives where they share intelligence with the police—the community

shares intelligence with the police in fighting crime—and this is what we need, a proactive approach between the citizens and, of course, the protective services, and by extension the Government of this country.

Wherever you go, Mr. Speaker, people are saying, “We know the Government is trying their best to keep down the scourge of crime and we support you in your endeavours, and do not let the Opposition faze you, especially, in Parliament. [*Desk thumping*]

**Miss Mc Donald:** What clause of the Bill is that?

**Hon. R. Ramdial:** Mr. Speaker, at the end of day, I am just drawing to the attention of the House that every piece of legislation including—[*Interruption*]

**Mr. Speaker:** Please, Member for Port of Spain South, you are not in charge, so you cannot be asking what clause. [*Laughter*] That is reserved for me to ask, and I did not ask for help. So, do not disturb the hon. Member, please. Continue, hon. Member.

**Hon. R. Ramdial:** Thank you, Mr. Speaker. Mr. Speaker, as I was reiterating, this Cybercrime Bill, 2014, again, is just part of the legislative agenda in fighting crime, bringing it to Parliament, of course, with other pieces of legislation, and later on we will see many more coming. We have identified that crime—solving crime and fighting crime in Trinidad and Tobago—is one of our number one challenges and, therefore, the citizenry—again, as I said, Mr. Speaker, I would reiterate again—they have shown support for us on the ground, They know that we are trying our best and, therefore, they have even stated—I am not afraid to say it—that this Government has been one of the most proactive Governments in working with citizens, in trying to fight crime in this country [*Desk thumping*] and you will see it out there.

Mr. Speaker, as I wind up and I wrap up my contribution, I would also like to make mention of the constituency of Couva North where, again, I am most thankful for all of the resources from my colleagues and Ministers here, with respect to developing the constituency, and by extension the Opposition Members of Parliament who have been also privy to resources and, rightly so, with respect to many various sectors in developing their own constituencies. I know that the Member for Port of Spain North/St. Ann’s West this morning was very much heartened when the Minister of Education spoke. I know she is very happy with what she has received as a Member of Parliament.

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Mr. Speaker, overall, again, I want to throw support behind this Cybercrime Bill and, of course, the Minister of National Security himself will wrap up and answer all questions, especially, those fielded by the Member for St. Joseph.

In addition to that, Mr. Speaker, I also want to reiterate here that we will continue to work to the best of our abilities to serve the population of Trinidad and Tobago. This is our intention, nothing else and, therefore, I want in this Chamber to extend and also state that we are not fazed by the Opposition politics; we are not fazed by the mischief makers in society, and otherwise, with respect, they will not deter us from doing our good work and we will continue to serve.

Thank you, Mr. Speaker. [*Desk thumping*]

**3.35 p.m.**

**Mr. Speaker:** Before I call on the hon. Member for La Brea, may I, on behalf of all the Members, warmly welcome back to the House the hon. Member for Couva North [*Desk thumping*] and the hon. Minister of State in the Ministry of the Environment and Water Resources.

And may I also remind Members—I did not want to interrupt the Member for St. Joseph—but I just want to remind Members that you should observe Standing Order 36(3): do not reopen a debate on any matter or any question that the House has settled during the current session, and we have settled the defamation (Amdt.) Bill. That is in Standing Order 36(3), so I ask Members to be guided accordingly.

The hon. Member for La Brea. [*Desk thumping*]

**Mr. Fitzgerald Jeffrey (*La Brea*):** Thank you very much, Mr. Speaker. The hon. Member for Couva North, I listened attentively and there was not much in her contribution. So, basically, I want to say at the outset that no one in their right mind will say that cybercrime legislation is not needed in Trinidad and Tobago. Because you know, Mr. Speaker, like my comrade from Couva North, I also had the very disconcerting experience a couple months ago where my both emails were hacked—[*Interruption*—and I had calls from all over the world offering support, offering to send money and so on, and it was not a nice experience for a man like me who is very independent.

Mr. Speaker, so really in essence, on the face of the presentation this morning with the Bill, there seems to be a motive for the presentation of this Bill before us today. Mr. Speaker, like the infamous Bail (Amdt.) Bill, like the Indictable Offences (Amdt.) Bill, on the surface, both cyber Bills look good, but it is passing strange that at a time when the number of murders in this country for this year, at

June 11, 2014, was a staggering 193—26 more than at a similar time last year. I was expecting that we would have come here today and discussed how we could deal with the staggering rate of increase in murders.

But, Mr. Speaker, before the presentation of these two Bills, we should have passed whistle blower legislation. But that is yet to happen, because whistle blowers need to be protected. These Bills have been brought now because of the call by the population for the decision on emailgate. It is brought now because of the exposure at a public meeting of an email which said of plans to demonize my political leader who, incidentally, is the next Prime Minister of Trinidad and Tobago. [*Desk thumping*] It is brought now because of the room 201 video, which has gone viral.

Mr. Speaker, you would remember the encouragement given by a political leader's supporters to take out my leader. One can now see that these Bills are brought now because of the 2015 general election campaign which is in full gear, and security must be guaranteed. But, Mr. Speaker, be that as it may, we have two Bills before us: firstly, "the Act to provide for the creation of offences related to cybercrime and related matters", and secondly, "an Act to provide for the establishment of Trinidad and Tobago Cyber Security Agency and for matters related thereto".

Mr. Speaker, the intended operations of the Trinidad and Tobago Cyber Security Agency remind me very much of the national oil spill contingency plan, excellent on paper but woefully inadequate, with all honesty.

Mr. Speaker, I want us to look at clause 5, and I know my comrade from St. Joseph tackled this very well, but I need to make some points. Mr. Speaker, have you looked at (a), (d), (e), (f) and (g)? If you look at (d), it specifies "a person with qualifications and"—no, sorry, in (e): "an attorney-at-law with at least eight years' experience in corporate matters." They spell that out, "an attorney-at-law with at least eight years' experience in corporate matters."

So, Mr. Speaker, I ask the question, how come for the person, from the telecommunications, all what they want is qualifications and experience, and you refuse to specify what you mean by experience, what you mean by qualifications.

**Hon. Member:** Resmi, man. Resmi.

**Mr. F. Jeffrey:** Mr. Speaker, the same thing goes for the chairman. How much knowledge? What level? Experience, how much?

**Dr. Moonilal:** All of you all will be unemployed next year. You should apply.

**Mr. F. Jeffrey:** “Oropouche East, ah, boy.” Mr. Speaker, next year will soon reach and we will see who will be unemployed. [*Laughter*] I will be taking your seat.

**Hon. Member:** “Whooo. Aye-ya-yaye.” [*Desk thumping and laughter*]

**Hon. Member:** “He coming for yuh”.

**Mr. F. Jeffrey:** We will exchange seats. [*Crosstalk*] Mr. Speaker, what is very important is that I heard the hon. Minister mention that the agency was going to be independent, and I say, something is going wrong here, because if the agency would be managed by a board appointed by the Minister, it cannot be independent. It cannot be independent. Particularly, Mr. Speaker, from the experience on that side, we know that when they make this election they have to toe the line, there is nothing about independence,

So, Mr. Speaker, we need to know very clearly about if they are talking about a chairman, what sort of knowledge, how much experience and the quality of experience that you are looking for. Similarly, the person with the telecommunications and the whole question about financial and banking representative, who is going to make that selection? What are you looking for? When you ask the bank and the financial sector for a nomination, a representative, what are they looking for? And the same thing could be said about e-business. Do we have—as the Member for St. Joseph mentioned—an e-business association in Trinidad and Tobago? And we know that that is not the case.

Mr. Speaker, we need to understand that this Trinidad and Tobago Cyber Security Agency is indeed a critical body for the cybercrime situation, and therefore we cannot play “rolly polly” with the selection of people for the Trinidad and Tobago Cyber Security Agency.

Mr. Speaker, after Omar Khan, Dianne Birju, Ajodha Fernandes, to name a few, we need to spell out what are the qualifications and what is the experience. It is extremely important. [*Desk thumping*] It is a bitter taste in our mouths, and those names I called here are just the tip of the iceberg. You can go right through this Government, Mr. Speaker, and see the appointments and see what kind of qualifications that they look for.

Mr. Speaker, I want to turn to clause 7:

“The Minister may remove a member from office upon being satisfied that the member—

(b) is incapable of performing the duties of a member”.

Mr. Speaker, that is a nebulous thing and that is, as the Member for Diego Martin Central said—political control, and the same thing would go for:

“(c)” —he—“has neglected his duties or has engaged in conduct that would bring his office into disrepute.”

What do you mean by that? What do you mean by “bring office into disrepute”? What must happen? What are some of the things that you are looking at?

Mr. Speaker, you know, there is an old saying that, “people who live in glass houses should not throw stones.” What is good for one is good for all. And if in the board they must not bring their office into disrepute, the same should apply elsewhere.

**Mr. Deyalsingh:** Correct! [*Desk thumping*]

**Mr. F. Jeffrey:** Mr. Speaker, let us look at clause 10 subclause (n), they develop—this agency—a “National Cyber Security Contingency Plan”, and that cannot help.

As I said earlier, remember the national oil spill contingency plan, similar name, contingency and plan and national and so on and, Mr. Speaker, the experience we had in La Brea with that oil spill tells me, listen, the further away you stay from national oil spill contingency plan, I am also saying here now, that the way this thing is going here and the kind of people they are putting on the board, the further we stay away from this National Cyber Security Contingency Plan, the better for Trinidad and Tobago.

Mr. Speaker, in Part III, clause 13—that is the one I like, Mr. Speaker:

“(1) Subject to subsection (2), the Board shall, with the approval of the Minister, appoint suitably qualified persons as Chief Executive Officer and Deputy Chief Executive Officer on such terms and conditions as the Minister may approve.”

Let us take the second one, one time:

“(2) The Chief Executive Officer and the Deputy Chief Executive Officer shall be appointed on the grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for network and information security.”

Mr. Speaker, it was not long ago that we had the situation whereby similar things were laid down, and hear what happened: we had experienced people like—

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and knowledgeable, experienced, good in administration, and so on. People like Dr. Shelton Nichols, Dr. Alvin Hilaire, Miss Joan John; tremendous experience, tremendous qualifications, and if I want I could put in too, Michael Mansoor—tremendous. You know what, Mr. Speaker, they overlooked all these people and appointed somebody from down below.

**Miss Mc Donald:** OJT.

**Mr. F. Jeffrey:** As my Chief Whip says, “OJT”, because people like Miss John and Dr. Shelton Nichols, they were deputies, you know. They know this thing inside out, and you bypass them.

**3.50 p.m.**

Mr. Speaker, I just want to repeat a statement by Dr. Terrence Farrell. This is what he said, taken from *Trinidad Express* newspaper, July 16, 2012. Hear what he says:

“Much will depend on the quality of economic decision-making over the next several years. For all of our sakes, I wish Mr. Rambarran well. I sincerely hope he maintains and defends the finest traditions of central banking and of the Central Bank of Trinidad and Tobago in particular.”

Enough said, from what is taking place in Trinidad and Tobago at this point in time.

Mr. Speaker, we need to understand that we must be careful about making these selections because, in Part III, clause 15 we have a situation where:

- “(2) The Board shall employ such other staff as it considers necessary for the efficient performance of the functions of the Agency.
- (3) The staff referred to in subsection (2) shall comprise positively vetted persons, with the relevant professions and expertise.”

Mr. Speaker, on that list of people comprising the board, who has human resource management experience? We are looking for trouble. Because, if you are saying that you are going to be employing people, and a certain quality of people, and you have a board with people who lack human resource management experience, we are looking to put square pegs in round holes, as this Government has been doing ever since. Mr. Speaker, a word to the wise is sufficient.

Mr. Speaker, we need to understand that, yes, the Trinidad and Tobago Cyber



Security Agency is critical but let us do it right. Let us ensure that the board is properly constituted. I do not know why we do not want to allow the President to appoint the people of the board. Everything is the Minister who has to appoint, and we know that once the Minister is involved he is going to select his friends, however incompetent they may be.

**Hon. Member:** The Minister has no friends.

**Sen. Griffith:** I know my friends.

**Mr. F. Jeffrey:** I am not speaking about you, hon. Minister.

**Mr. Indarsingh:** What was your track record when you were there?

**Mr. F. Jeffrey:** Better than yours. [*Laughter*] Better than yours. [*Desk thumping*] I can stand anywhere and get that respect.

**Mr. Indarsingh:** What is your track record? Who you hired?

**Mr. F. Jeffrey:** Mr. Speaker, let me forget the Member for Couva South—

**Mr. Deyalsingh:** He is already forgotten.

**Mr. F. Jeffrey:**—who talks loud and says nothing. Let me forget him.

Mr. Speaker, I want to go now to the second Bill. At one time, when I looked at the Bill, I was wondering whether or not it was some kind of mini budget we are going to get. Because, when I add up—if, for example, for every one of the penalties we got one person convicted, the Government would have received \$20,125,000 just from this Bill.

**Hon. Member:** This is to fund the LifeSport Programme?

**Mr. F. Jeffrey:** It looks like that.

More than that, Mr. Speaker, I have never seen a Bill with, so many times, the word “intentionally” mentioned. I checked, Mr. Speaker, 22 times. That is a record. Twenty-two times we hear this thing about intentionally, intentionally, intentionally.

Mr. Speaker, I want to go straight into the Bill and look at 5(a). Maybe there is something I am missing, because I want to compare 5 with 6. Clause 5:

“A person who, intentionally and without lawful excuse or justification, accesses a computer system or any part of a computer system, or accesses a computer system for the purposes of securing access to computer data, commits an offence and is liable—”

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Good, that is all right.

“(a) on summary conviction to a fine of three hundred thousand dollars and imprisonment for three years; or”

Fine.

“(b) on conviction on indictment to a fine of five hundred thousand dollars and imprisonment for five years.”

But then look at 6.

“A person who, intentionally and without lawful excuse or justification, remains logged into a computer system or part of a computer system or continues to use a computer system commits an offence and is liable—”

But look at the penalty.

“(a) on summary conviction to a fine of one hundred thousand dollars and imprisonment for two years;”

Much less than the person who had accessed it. In this case he remains logged in, which, to me is more damaging, and the fine is less.

Similarly, in the second case, where you have conviction on indictment, from \$500,000, in the first case and five years; when he remains logged in, it is \$200,000 and imprisonment for three years. Something has got to be wrong there and I hope that the hon. Minister would address that when he has his time.

Mr. Speaker, I want to turn to 19(1) because my comrade from St. Joseph did such a great job that he made my job easy this evening. I want to look at 19(1), 20(1) and 21(3)(a) and (b). When we look at 19(1), 20 and 21(3), it does not take somebody who is a rocket scientist to read who that clause is designed to protect. It means, Mr. Speaker, no more Room 201. “Yuh cyah get it again. When dis clause go inside dey, dis become law, you cyah do dat.”

It also tells us, Mr. Speaker, that what happened in the political meeting, where somebody gave you an email, no matter how true it is—

**Mr. Deyalsingh:** They are trying to block part 2 of the video.

**Mr. F. Jeffrey:**—you cannot release it. You cannot release it.

**Mr. Deyalsingh:** Star Wars II.

**Mr. F. Jeffrey:** Part II, right. So, even though it is true you cannot release it. Mr. Speaker, that cannot be right.

**Mr. Deyalsingh:** Part 2 of “two pull”.

**Mr. F. Jeffrey:** Mr. Speaker, what came out from that email that we got at that political meeting frightens me because we heard talk about taking out our political leader and we saw what had emerged from emailgate and also from the email that we got at the political meeting, that danger lies ahead.

**Mr. Deyalsingh:** Correct.

**Mr. F. Jeffrey:** Without the whistle blower legislation it means that “keep your mouth shut” even though you hear or you see something. That cannot be good, Mr. Speaker. That cannot be good at all. That is designed specifically to protect those opposite in whatever their plans are.

**Mr. Deyalsingh:** All who shooting video.

**Mr. F. Jeffrey:** I want them to know that we on this side are good boy scouts. We are always prepared for all eventualities. We are always prepared.

Mr. Speaker, I want to go, quickly, to clause 22.

**Mr. Imbert:** “What you moving quickly for? What is this quickly ting all about? Take yuh time nah man.”

**Mr. F. Jeffrey:** Right, thank you.

Mr. Speaker, clause 22.

“A Court in Trinidad and Tobago shall have jurisdiction in respect of an offence under this Act where the act constituting the offence is carried out—”

We could understand.

“(a) wholly or partly in Trinidad and Tobago;”

Fine, but let us look at (b):

“by a citizen of Trinidad and Tobago, whether in Trinidad and Tobago or elsewhere;”

I ask the question, if a Trini goes to New York, all right, and he does a cybercrime and he is brought before the court and gets convicted in New York, they fine him, jail him and so on and after he is released he is deported to Trinidad. I am asking the question, would he have to go before a court in Trinidad and Tobago and have to answer to the charges? Because, as we see here, the court would have

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jurisdiction whether or not it happens in Trinidad or it happens abroad. I would like to know what would happen if the person did something outside, and in Trinidad and Tobago he comes back, whether he would be subjected to more penalty.

Mr. Speaker, I want us to understand that the objections raised on this side are not for objection sake. We are all concerned with cybercrime in Trinidad and Tobago, but let us do it right. Let us do it right.

The Chief Whip mentioned earlier this morning about the whole thing about passing good law. We are saying so this afternoon, let us do the thing right. You would get our support if you do it right, but if you continue to leave those loopholes there not one of us on this side here will support you.

I thank you.

**Mr. Collin Partap** (*Cumuto/Manzanilla*): Mr. Speaker, I rise today to contribute to this very important Bill—well, two Bills, in fact. The first one:

“An Act to provide for the creation of offences related to cybercrime and related matters”

and the second Bill:

“An Act to provide for the establishment of the Trinidad and Tobago Cyber Security Agency and for matters relating thereto”

standing in the name of the hon. Minister of National Security.

Mr. Speaker, I will have to answer a few of the questions raised by my friend, the Member for La Brea, who raised some issues of jurisdiction, but I will do that as I go through my speaking time.

Mr. Speaker, when this Government published—I stress on the words “this Government”—the National Cyber Security Strategy in December 2012, we recognized the need for Trinidad and Tobago to develop an integrated approach to tackle the threats from the internet and associated technology.

Mr. Speaker, the Internet is a tool that we use every single day and it has been around for a very long time. It took this Government coming into office to set up a strategy and set out the policy. The National Cyber Security Strategy lists seven objectives and they are: I will list them for you:

- “i. To create a secure digital environment that will enable all users to enjoy the full benefits of the Internet;

- ii. To provide a governance framework for all cyber security matters by identifying the requisite organizational and administrative structures necessary, inclusive of human resources, training and capacity building and budgetary requirements;
- iii. To protect the physical, virtual and intellectual assets of citizens, organizations and the State through the development of an effective mechanism that addresses and responds to cyber threats regardless of their origin;
- iv. To facilitate the safety of all citizens by promoting awareness of cyber risks and developing effective and appropriate protective measures to mitigate risks and attacks;
- (v). To help prevent cyber attacks against critical infrastructure and secure information networks by building competency among primary stakeholders and the general public;
- (vi). To minimize damage and recovery times from cyber attacks through effective incident management measures; and
- (vii). To create a legal and regulatory framework to maintain order, protect the privacy of users and criminalize attacks in cyberspace.”

**4.05 p.m.**

Mr. Speaker, this Government is strongly committed to ensuring that every citizen in Trinidad and Tobago has access—the benefit of access to the Internet. The Internet has brought and it will continue to bring huge benefits to Trinidad and Tobago, and we will encourage its growth and access.

I would like to add that this Government, through TSTT and bmobile, which falls under my colleague, Member for Naparima, the hon. Nizam Baksh, is rolling out LTE towers, Mr. Speaker. This is a wireless Internet technology in rural constituencies like my own, Cumuto/Manzanilla, with the net effect of increasing Internet access to rural areas.

Mr. Speaker, that is the vision of the Prime Minister and that vision is being delivered right now. The first LTE tower was commissioned in my constituency, in Sangre Chiquito, in February of this year, and the second one in Plum Mitan came online just yesterday. So the people of Plum Mitan and Sangre Chiquito, two rural areas, are now enjoying access to the Internet. However, there are threats to the public and businesses from cybercriminals, and that is the responsibility of the Government working with all sectors to tackle it.

Cybercrime is no longer about those who seek access to computer systems for fun or to prove that it could be done. The criminals behind such crimes are organized and seek to take advantage of those using Internet services. Whether this is for financial gain or threats to children, the effect on the victims can be devastating. The most vulnerable members of our society are too often victims, from the young people who are threatened by bullying or sexual predators to the elderly who provide easy prey for organized fraudsters.

Mr. Speaker, what is cybercrime? And I will give you the definition. There are a lot of definitions, but according to Wikipedia, cybercrime is also known as a computer crime that refers to any crime that involves a computer and a network. Cybercrime is defined as crimes committed on the Internet using the computer as a tool or a targeted victim. Computers can also be considered a tool in cybercrime, when the individual is the main target of the cybercrime. But computers are also considered as targets when crime is also directed to another computer.

In addition, cybercrimes include traditional crimes that have been conducted with the access of the Internet. For example, telemarketing, Internet fraud, identity theft, credit card and account thefts. Mr. Speaker, in a simple word, cybercrime can be defined as any violent action that has been conducted by using a computer or other devices with the access of the Internet. This action can be harmful to the community at large.

Why are we doing this now, Mr. Speaker? Why are we bringing this legislation? Mr. Speaker, computers and the Internet and electronic communications are playing an ever-increasing role in our lives. We use the Internet at home, at work and in our educational establishments, and the uses are growing daily. The impact increases as new and often unpredictable applications of technologies are quickly adopted by significant portions of the populations.

Mobile telephones and Internet devices, such as smartphones are now very common, and a growing number of services, such as location-based services are being created to work with them. We expect the rapid development and exploitation of computers and electronic communications technology to continue to accelerate, and I think, Mr. Speaker, Trinidad and Tobago—the Member for Toco/Sangre Grande, Minister of Science and Technology, he said that we are in the top five in the world with regards to mobile phones. Every person in Trinidad has an average of two mobile phones.

**Mr. Imbert:** I only have one.

**Mr. C. Partap:** At least.

**Mr. Imbert:** I only have one.

**Mr. C. Partap:** Well, I can lend you one, I have three. [*Laughter*] On average. However, this has implication for the safety and security, including, crime and its prevention, detection, investigation and prosecution. Cybercriminals are quick to spot the potential vulnerabilities of new technologies and to exploit them to commit offences or try to frustrate detection of their activities, Mr. Speaker. As more and more of the nation's public and private assets are stored electronically, rather than physically often outside of our jurisdictions, there are more opportunities for crime. However, the same technologies can be used to protect ourselves and by our law enforcement agencies, to detect, investigate and prosecute the offenders.

Mr. Speaker, I would just list from the newspapers two of our recent experiences with cybercrime. The first was written in the *Newsday*, Sunday July 8, 2012, by Andre Badoo and the caption is:

“Cyber crime wave”

Mr. Speaker, the article goes on to talk about the hacking into the iGovTT facility, and it also talks about the hacking in on April 22 of that same year, 2012, of the Parliament's official website. And the hacker left behind his code name, which was CoD3X and he left messages on the—when you logged on you could not log on to the Parliament website readily. This is just one example.

The second one, Mr. Speaker, comes from the *Trinidad Express* and the caption:

“Lots of cases of cyber bullying”

This was written by Julien Neaves, on April 25, 2013. So you can see, we are being targeted. The country needs this legislation, and of course I would not speak about the emailgate also. I think that the Minister might do that in his wrapping-up. But as you know, emailgate now falls under the purview of this legislation. What are the costs of these Internet crimes, Mr. Speaker, cybercrime?—and I am quoting from the Norton Report, 2013:

The global price tag of consumer cybercrime is US \$1.3 (sic) billion. And the average cost per victim US \$298.

The scale of consumer cybercrime is 378 million victims per year. That is more than 1 million victims per day or 12 victims every second. So you see this legislation is long in coming.

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I will now focus on a few of the provisions of the Bill, and I will start off with financially based crimes. Mr. Speaker, these crimes are motivated by financial gain, but they can also be used to inflict harm upon the person. These have a profound impact and their losses can be significant, and to provide criminals with funding which they can use in other areas like for example, you know, terrorist activities for one. The most important and significant cybercrime activity is conducted within multi-skilled virtual criminal networks whose structures are different to traditional organized crime groups. Virtual criminal networks are often focused around online meeting places, either a web forum or an Internet relay chat channel. Members rarely meet in person, and individuals are only known by their online aliases or nicknames.

Mr. Speaker, the more sophisticated networks vet prospective members to prevent law enforcement officers infiltrating them, and to ensure only trusted associates can gain access to the goods and services available. Virtual criminal networks can have several thousand members, but they are usually run by a small number of experienced, specialist online criminals. The leading members of a network often consist of between 10 to 30 online identities, and they divide different roles for themselves. For example, hacking, spamming and compromising victims', machines and trading in private data. The inner circle of the technically advanced and experienced criminals is responsible for supervising and policing activity in their own specialist areas and resolving disputes among individual members. Some elite networks are highly secretive and do not participate online, since they have resources to carry about cybercrime offences throughout the complete cycle, and they have no need to engage with outsiders.

Mr. Speaker, this is just one of the reasons why we need the cybercrime agency. The cybercrime agency will house our best minds in the area of cyber security, and they will come up with policies, and they will come up with solutions for companies. I am sure they will be liaising with companies as well as governments to make sure that criminals like these do not get their feet into the door of our Internet.

Clause 5 of the Bill is, "Illegal access to a computer system". Mr. Speaker, I am going to look at the Bill, clause 5:

"A person who, intentionally..."

And I know there have been lots of grumblings from the Opposition about the word "intentionally"—"and without lawful excuse".



“A person who, intentionally and without lawful excuse or justification, accesses a computer system or any part of a computer system, or accesses a computer system for the purposes of securing access to computer data, commits an offence...”

If a person does that intentionally, he must have the two requisites—the *actus reus* and the *mens rea*. And “intention”—intention is the keyword. If I stumble upon information and I do it unintentionally, am I to be prosecuted? No, the law provides, “intentionally and without lawful excuse or justification”.

Anyway, Mr. Speaker, the Member for Diego Martin North/East said he will deal with it. Clause 6, “illegally remaining in a computer system”.

“A person who, intentionally”—again—“and without lawful excuse or justification, remains logged into a computer system or part of a computer system or continues to use a computer system commits an offence and is liable—”—and the liabilities are in part (a) and (b).

#### **4.20 p.m.**

Mr. Speaker, again, “intentionally and without lawful excuse”, if you remain logged on to a computer system. So the word “intention” will show you that if you do it unintentionally or you have a lawful excuse, you would not fall under this section. The illegal interception, again, “intentionally and without lawful excuse or justification intercepts—” And we go on again, clause 8:

“A person who, intentionally and without lawful excuse or justification—

- (a) damages computer data or causes computer data to deteriorate;
- (b) deletes computer data;
- (c) alters computer data;
- (d) copies computer data...”

Again, “intentionally”.

Mr. Speaker, non-financial crimes are also covered under the Bill. The threat to children: in terms of sexual abuse and exploitation, the picture of offenders is a complex one, which is related to the criminal interest of the individual or the networks that use the Internet to seek out victims and to acquire new material. There is no single type, nor are there groupings below which are mutually exclusive, but they can be roughly translated into three main areas: one, those who

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target children or young people on an online environment that they inhabit, for example, instant messaging, chat, social networking sites; two, those that engage in offline abuse, create images and share them online with networks of like-minded individuals are also recipients and collectors of such materials, or; three, those who use the Internet to link up and identify the best places in the world to travel to abuse children or young people, or who use the Internet to lure this vulnerable group into some form of exploitation. And, of course, the offenders can be interested in both boys and girls—male and females. The Bill deals with this. Clause 17 deals with child pornography and clause 18 deals with luring.

Threats to the public: I am sure every one of us—I know the Member for Couva North detailed some of her experiences where her email was hacked and you get the messages saying that, “I am stranded, I need \$1,000” and then when you call the number, it is somebody abroad sending those messages, hacking into your email. Well, one of my emails was also hacked. I still do not have access to it. My credit card was used by someone and, as you know, credit cards, I am sure every single one of us now has a credit card, and use our LINX card, or use our credit card to buy online purchases. Just recently I bought a charger for my BlackBerry and it was a different charger that came, not the one that was advertised. Of course, we are still trying to sort that out.

These are some of the threats to the public. The public are targets of criminals or antisocial behaviour in various ways through the Internet and often have concerns about how they keep themselves safe—the public—in an online environment. Financial crimes, online fraud, there are many types of frauds targeted at the public, ranging from credit card and debit card fraud, to lottery scams.

I know some of my constituents come in and they receive letters stating that they won \$20 million and they just have to pay \$2,000 to access the \$20 million, and they come to me to try to see if they could get the \$2,000. I am sure the Member for St. Joseph—I think he was a party to that sort of—how would you say—help. The constituents want you to help. They come in and they need assistance to get the \$20 million and, of course, they think we have \$2,000 to lend them. In return, they would give it back to us when they get the sum. But these are online lottery scams. And there is the 419 fraud; there is the non-delivery fraud; there are frauds perpetuating the Internet auction websites. I know a long time ago I bid on a coin. I won the bid, I sent the money, I still have not received the coin.

But anyway. Additionally, Mr. Speaker—[*Interruption*]

**Mr. Deyalsingh:** You are a sucker, boy. Twice?

**Mr. C. Partap:** Twice—three times. [*Laughter*]

**Mr. Deyalsingh:** Worse.

**Mr. C. Partap:** Additionally, the public is at risk from fraud involving fake goods, such as watches or clothing or, more seriously, from fake and unsafe pharmaceuticals bought online. I know the Minister of Health will probably want to take a look into that—online pharmaceutical sales. None of these are unknown offline, but cybercriminals are able to use the Internet to perpetrate these offences on a massive scale and they are able to use the Internet to hide their real identities and the location of the fraud. But this is covered in clause 15 of the Bill, computer-related fraud, and there is an offence created under clause 15.

Identity theft the driver behind the majority of data thefts is the profitability of compromised private information, particularly detailed financial information, and I know the Member for Couva North spoke about phishing, and while coming up today—

**Miss Ramdial:** Not actual “fishing”.

**Mr. C. Partap:** Well, not actual fishing, but the term “phishing”—and one of my constituents called me today and said that, you know, they were on their computer, the computer camera turned on, took a picture of them, the picture appeared on the screen and then they saw files being transferred out, and they had to hurriedly unplug the Internet cable to save some of the information. But that is how they attack computers.

Criminals obtain large quantities of data, such as credit card data and sell it either directly to those who are able to realize its monetary value through fraud, or to those who act as data brokers, aggregating data from different sources and selling it to criminals. Criminals of all types and levels, including individuals, look to carry out small-scale, high-volume fraud and are able to buy compromised private data directly from primary sources.

ID crime can also be used to facilitate virtually all forms of serious crimes, including money laundering and human trafficking. Individuals are targeted primarily for their user names and passwords to enable criminals to access and, in some cases, to control online accounts. While I was watching the football game between Cameroon and Mexico during the lunch break, we saw Republic Bank advertising online banking at the bottom of the screen.

**Hon. Member:** Mexico won the match.

**Mr. C. Partap:** Mexico eventually won, 1-nil, Mr. Speaker, and I think the game between the Netherlands and Spain is tied at 1-1?

**Hon. Member:** 3-1.

**Mr. C. Partap:** Sorry, Mr. Speaker. I am getting the updated score, 3-1 to Holland.

**Mr. Deyalsingh:** Mr. Speaker, 36(1). [*Crosstalk and laughter*]

**Mr. C. Partap:** As I get back to the Bill, Mr. Speaker, they are usually bank accounts, but other types, such as online brokerage accounts that may also be compromised, criminals also attempt to gain private details of their payment and customer credit card accounts. This can be achieved by tricking the account holder into revealing private data through fake emails and websites, phishing or by infecting the account holder's computer with malicious software, malware, that automatically intercepts and forwards data to criminals.

Individuals are often victimized by attacks on businesses where data is stolen in bulk. Although public awareness of these threats is improving, the attacks are becoming more sophisticated. Mr. Speaker, identity fraud in the UK in 2009, for the first six months, there were 43 per cent more victims than the previous year, and it has constantly been on the rise, and in 2009, the cost to the UK economy was \$1.2 billion and that accounts for a criminal cash flow of some £10 million per day. It can typically take 48 hours for a victim to realize that his accounts have been stolen, his identity has been stolen and that his data has been stolen. This is captured in clause 16 of the Bill and it creates an offence for identity-theft-related—it is an identity-theft-related offence—[*Interruption*]

**Mr. Speaker:** Hon. Member, I know that your first 45 minutes of original time will end at 4.47. We normally pause at this time, but if it is the will of the House that he should go until—the hon. Member, that is—4.47— [*Interruption*] But apparently, I guess hon. Members are interested in the football. [*Laughter*]

**Hon. Member:** No, tea.

**Mr. Speaker:** I think it is football here. So let us suspend this sitting until five past five. This sitting is now suspended until five minutes past five.

**4.31 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Mr. C. Partap:** Thank you, Mr. Speaker, and as we took the tea break I was just about to wrap up. This legislation brings us in line with other jurisdictions such as the United Kingdom, Australia, New Zealand, Singapore, Canada and the Council of Europe. Before I sit, I would like to answer a question from the hon. Member for La Brea. Now, he said earlier if a cybercrime was committed in the States and he went through the penal system there and he comes back to Trinidad after he is deported, if he is to face action here in Trinidad for an offence? The answer will be, yes, if while in the States he interfered with computer systems in Trinidad and Tobago, he will have to face charges. If he did not and his offence was strictly within the United States, he will not have to face any criminal sanctions here when he comes back to Trinidad.

Mr. Speaker, I think this Bill is one that is much needed in Trinidad and Tobago, and I would like to congratulate the Minister of National Security for bringing both Bills, as the agency will carry out the legislation that is passed. I would also like to congratulate the Member for Couva North and welcome her back into the House, and with those few words, Mr. Speaker, I thank you.

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker.

**Dr. Moonilal:** Very brief for us.

**Mr. C. Imbert:** Very brief? Just about 62 minutes—[*Interruption*]

**Dr. Moonilal:** Thank God.

**Mr. C. Imbert:**—instead of the normal 75. I noticed that the Minister of National Security is watching football.

**Miss Ramdial:** No.

**Mr. Cadiz:** No football.

**Mr. C. Imbert:** Oh, football finished. It is a crime to have sittings of Parliament when World Cup is in progress. It is a crime and it should be criminalized in law.

**Dr. Moonilal:** Not until the next three years.

**Mr. C. Imbert:** Well, with the new Standing Orders we will have no Parliament in July unfortunately, but World Cup is in June this year unfortunately.

**Dr. Moonilal:** We will not do it again next year.

**Mr. C. Imbert:** Yes, we will take a break. Mr. Speaker, the speakers on the Government side, regrettably, but not unsurprisingly, have missed the point once

again. Members on this side have pointed out the weaknesses in the definitions with respect to the establishment of the Trinidad and Tobago cyber agency and I will not dwell on that. They have pointed out the weaknesses in the drafting, the inconsistencies in the drafting, and I will just pull one example that has been highlighted by Members on this side that an attorney is required with eight years' experience in corporate matters. So it is a double specialization. The attorney must not just have eight years' experience, but must have eight years' experience in corporate matters. So the draftsman went to such great lengths to define the experience and qualifications of the attorney, but with respect to the chairman, who would be in charge of the agency, no such qualifications are required. So I would expect that the Government would recognize that they have made a mistake. They need to standardize the qualifications and experience of the agency, the board, and be consistent.

In addition, Mr. Speaker, in that same clause—and I am dealing now with the Cyber Security Agency Bill—in 5(1)(b), the representative of the Ministry is qualified as being a senior representative, the representative of the Ministry responsible for science and technology is, again, qualified as being a senior representative, and yet the others, the representative of the financial sector is not senior, the representative of the e-business community is not senior. So, clearly, whoever drafted this, just dropped the ball. They did not know what they were doing. So I would hope that the Minister will review the qualifications of the board and the agency and bring some consistency to bear on those qualifications. If you are going to qualify one of the members in terms of years of experience and in terms of specialist skill, do so for all.

Now, let us go to the more substantive piece of legislation where Members opposite have just completely misunderstood what this Parliament is about today, Mr. Speaker. I was quite horrified to hear the Member for Cumuto/Manzanilla, who it is alleged is an attorney-at-law, make a statement that in each case of an offence under the Cybercrime Bill, 2014, there must be wilful, deliberate, intentional—there must be intent to commit an offence. And I would take the Parliament directly to clause 13, and clause 13 states:

- “(1) A person who is not authorised to receive or have access to computer data commits an offence if he intentionally and without lawful excuse or justification receives or gains access to the computer data from another person, whether or not he knows that the other person obtained the computer data through authorised or unauthorised means.”

Now that is a complete nonsense. You cannot intentionally not know something and that is what this clause is saying, that you intentionally do not know what you are doing. And really, who drafted this? Let me repeat:

“(1) A person who is not authorised to receive or have access to computer data commits an offence if he intentionally and without lawful excuse or justification receives or gains access to the computer data from another person, whether or not he knows that the other person obtained the computer data through authorised or unauthorised means.”

So I get an email which has been forwarded from somebody else and this email contains scandalous information of a very controversial nature, in fact, highlighting a potential criminal offence. But somebody sent it to me. I do not know whether the person who sent it to me was authorized to send it to me, or obtained the data through authorized or unauthorized. I have no idea. The thing appears in my computer system, but under clause 13 I will have committed an offence simply by the receipt of that email. Now clearly, this cannot be the intent. This is craziness.

Clause 13 is crazy. So that if I receive data that someone else has obtained unlawfully but I do not know that, I am guilty of an offence under clause 13 of this Bill. And, Mr. Speaker, on summary conviction, I will be liable to a fine of \$200,000 or imprisonment for three years, or a conviction on indictment to a fine of \$500,000 and imprisonment for five years. So if somebody who is on the circulation list—hypothetically some Government Minister might have a circulation list with about 50 names on it, he pressed the wrong button, he used the wrong address, he sent an email to 50 people, 49 of whom he might have wanted to get it, and the 50th one he unintentionally did not want that person to get that email. That person might be one of my colleagues and it contains information relating to a potential criminal offence on the part of a government official. Under this law, the person receives the email, is liable to be jailed for five years.

Now, you all could not be serious. You all will be in Opposition soon. You will be. You will be in Opposition soon. The definition of “soon” depends to be seen. It could be within the next 12 months, it is possible. It is possible you could be in Opposition next month. An early election may be called. It is not unknown in Trinidad and Tobago. Yes, but the fact of the matter is, sooner or later hon. Members opposite will be in Opposition and, Mr. Speaker, the problem with legislation like this is that it affects everyone. You see one of the mistakes that hon. Members opposite make is that they think that they will be in Government forever, so they are bringing legislation to the Parliament that makes absolutely no sense.

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How can you have a commitment on the part of the present Government to introduce whistle-blower legislation?

I believe that is even in the manifesto, that yellow book, that there was a commitment on the part of the Partnership, that one of the first things you would do—of course, you did not do it because it is not in your interest, but in the manifesto of the Partnership you gave a commitment to introduce whistle-blower protection. How on earth are you going to protect whistle-blowers when you have created an offence that the mere receipt of information or data, whether you know or you do not know that that information was acquired by unlawful means, is an offence punishable by imprisonment for five years? So I would ask because it is nonsense. It starts off by saying that you intentionally received it, and then it goes on by saying you do not know whether it is unlawful or not. It is nonsensical. The drafting is ridiculous.

So I would ask the Minister to take a second look at clause 13 of this legislation because not only is clause 13 silly, badly drafted, contradictory, void of uncertainty—would be struck down by a court because it is void of uncertainty. Quite apart from that fact, you are opening up a floodgate to a plethora of prosecutions of persons who are the unintentional or the innocent recipients of emails. Because somebody might just send out a mass email to 100 people and all 100 of them, not being aware whether the data has been unlawfully obtained or not, will now be subject to this offence and liable to prosecution and imprisonment for five years.

**Hon. Griffith:** It was extracted from the—[*Inaudible*]

**Mr. C. Imbert:** Mr. Speaker, you know I am hearing the Minister say this.

**Miss Mc Donald:** Mr. Speaker?

**Mr. C. Imbert:** In 2000—what happened?

**Miss Mc Donald:** You wanted to—[*Interruption and laughter*]

**Mr. C. Imbert:** What going on? No, no, no, no, Mr. Speaker.

On this occasion, the Minister of National Security is conducting himself in an appropriate manner. He is not heckling or anything like that. But the statement that the Minister just blurted out across the floor, his justification for this foolishness is that it was in the Computer Misuse Act of 2000. Now, Mr. Speaker, the Minister just come, eh. They have a lot of johnny-come-latelies in this Parliament. They just come. There are not too many of us who have been in the Parliament, whether in



the other place or here, since the 1990s. I have been around since December 1991. I suspect, Mr. Speaker, so have you. I am not trying to draw you into the debate, but there are just a few of us, maybe about three or four, but the rest of them just come. And what they do not know is that—[*Interruption*]

**Mr. Roberts:** “Yuh sound like Al-Rawi.”

**5.20 p.m.**

**Mr. C. Imbert:** He just come too. [*Desk thumping and laughter*]

Mr. Speaker, we have “just-come” on all sides. [*Laughter*] But, Mr. Speaker—[*Continuous laughter*] Mr. Speaker, please, could you ask the Members opposite to restrain themselves?

**Mr. Speaker:** Yes, Members, Members, please. Continue, hon. Member. Please.

**Mr. Roberts:** But I am supporting your colleague.

**Mr. Speaker:** I know but—

**Mr. C. Imbert:** You know, come on, this kind of scandalous behaviour is uncalled for.

Mr. Speaker, those of us who were here in the year 2000—now, you are talking 13 and a half years ago, almost 14 years ago—would have known that in the latter half of the year 2000, there were a number of pieces of legislation, brought to the Parliament by the then Attorney General, which were very badly drafted, were railroaded through the Parliament and were defective and ended up being on the books for 10, 12 years. Some have not even been proclaimed to this day. The Children Act, for example, the Dangerous Dogs Act and so on. A number of pieces of legislation passed in the year 2000 which were just bad: badly drafted, badly conceptualized, rushed through the Parliament, railroaded through the Parliament without proper thought and this was one of them.

If the hon. Minister had the institutional memory—which he cannot possibly have because he was not there—he would have known that when the Computer Misuse Bill, 2000 was debated, the very clause, the offensive clause that the Minister has just repeated, section 10 of the Computer Misuse Act which reads as follows:

“A person who receives or is given access to any program or data held in a computer and who is not authorised to receive or have access to that program or

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data...whether or not he knows that that person has obtained that program or data through authorised or unauthorised means, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars...imprisonment for two years.”

That foolishness was in the Computer Misuse Act as well.

And if you went to the *Hansard*, Minister, through you, Mr. Speaker—if the Minister had bothered to check the *Hansard* record, he would have seen that the then Member for Port of Spain South, Mr. Eric Williams, had highlighted clause 10 of Computer Misuse Bill as a clause that made absolutely no sense, and I will read the *Hansard* for you. This is Eric Williams speaking, hon. Member for Port of Spain South at the time:

“...clause 10 is another one of those clauses that give us on this side some concern:

‘Unauthorised receiving or giving access to computer program or data’

‘A person who receives or is given access to any program or data held in a computer’—and so on—“whether or not he knows that that person has obtained that program or data through authorised or unauthorised means commits an offence...”

And this is Eric Williams. But, what if I did not know that something was illegally obtained? How could that be right? Hear hon. Mervyn Assam, the person who piloted the legislation. The Minister went on to say:

“...because of where we have reached in the parliamentary term...”

Now this Bill was debated on October 25, 2000. The Parliament was dissolved a week or two after that. This was one of the last pieces of legislation that was debated and passed in the Panday administration of 1995—2000, and this debate was taking place on October 25. The election was held around December 10, 2000, if my memory serves me right, because the then President took about two weeks to appoint the Prime Minister. So, October 25, 2000, the House was dissolved shortly after that, and this is what Assam is saying:

“...I am prepared to say that because of where we have reached in the parliamentary term, I think it would be imprudent to undertake any kind of modification to the legislation before us...I would hope that we can pass this legislation as is, and when we”—bring it—“back in the next session, whoever is in government can proceed to look at the legislation once more and perhaps,

by that time, we may have had some kind of experience”—and we can deal with the issues raised.

So, clause 10 was identified in 2000 as being a ridiculous clause. The Minister, at the time, a typical clause 34 assurance—let us pass this thing because Parliament is about to be dissolved, election is upon us—the five-year term was almost over. For those who do not know, that parliamentary term began in October 1995 when a snap election was called by the then Prime Minister in 1995.

So, the five years was already up and they were into the extra 90 days that is given to a Government for an extension of the term. So the election was upon them and Mervyn Assam was appealing to the PNM to support the legislation, and he gave an assurance that when the new Government came in, whichever Government it was, whether it was PNM—obviously they would deal with it, but if it was UNC, they gave an assurance that they would revisit the legislation specifically to deal with section 10. So it is simply not good enough to say it was in the old legislation. It was highlighted 14 years ago as a foolish section.

And think about it, all of us get emails. I am sure the Minister of National Security gets emails, and he may get them from an unauthorized source. He may receive an email with information that if even he is the Minister of National Security, he is not entitled to have that information. It could be banking information, Mr. Speaker, that he is not entitled to have without a court order but somebody sent him an email. And the Minister, himself, would be in breach of this legislation and facing a five-year term. It is a nonsensical clause. Foolishness.

So, Mr. Speaker, we need to revisit the whole question of what is meant by unauthorized access and what is meant by receipt of data because what this thing does is that anybody who has a computer that is turned on and is open and able to receive email from anybody except your blocked addresses. Mr. Speaker, my email account, I have a series of blocked email addresses for people I do not want to receive email from. You know, it is a list, but anybody else who is not on that list could send me an email, so I could get an email from anybody who is not on my blocked email list. If that email contains data that the person who sent me the data is not supposed to have, I am going to jail for five years, because it is a strict liability clause. Strict liability.

I do not have a defence because—let me read it again for those who do not understand. What this clause is saying is that whether or not I know that the other person obtained the data through authorized or unauthorized means. So whether I know, or I do not know, that they hacked into somebody’s computer and got the

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information or somebody gave it to them, a whistle-blower gave to them, or a conscientious person within the Government gave it to them, whether I know that or I do not know that, once I get it and it is confidential information, five years jail.

Now, this brings me to another aspect of this legislation. There has been a lot of work done on the meaning of the word “access”. Because, you realize if you look at the legislation, you will see that the word “access” is used throughout the legislation, and let me go to the beginning of this thing. And, Mr. Speaker, if I start with clause 5, the word “access” is used to create an offence and clause 5 is:

“A person who, intentionally and without lawful excuse...accesses a computer system or any part of a computer system...for the purposes of securing access to computer data, commits an offence...”

So, in clause 5, if I access a computer system without a lawful excuse, I commit an offence and I am:

“...liable—

(a) on...conviction to a fine of three hundred thousand dollars and imprisonment for three years;”

In clause 6:

“A person who, intentionally and without lawful excuse...remains logged into a computer system...commits an offence...”

Clause 7:

“A person who, intentionally and without lawful excuse or justification, intercepts—

(a) ...information...  
commits an offence.”

And it goes on and on, but throughout the legislation, it speaks about access.

Clause 9:

“A person who, intentionally and without lawful excuse...obtains for himself or another person, computer data which is not meant for him...and which is protected against unauthorised access, commits an offence...liable—

(a) ...to a fine of one hundred thousand dollars...imprisonment for two years;”

Now, Mr. Speaker, let us look at that whole question of what is meant by the word “access” in the context of cybercrime and computer misuse. Now, we can get a lot of guidance from the European Convention on Cybercrime. In that Convention, Article 2 sets out the offence of illegal access and provides that:

“Each Party”—to the Convention—“shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right.”

Mr. Speaker, one of the problems with this is that “access to a computer” is usually by way of a contract. So, I have a contract with an Internet service provider to gain access to information, or if I want to gain access to information, I need to have a password, I need to have a user ID, and may need to pay a fee, to get access to an online library or online information of some kind. The problem with this is that what this legislation is doing—and this problem has been confronted by countries all over the world—is you are taking a civil wrong, which is breach of contract, and you are criminalizing it. In other words, you are taking a civil offence and you are making it a criminal offence.

So, what is happening is that because I did not pay the \$5.00 to access the Library of Congress, for example—I want to get some information from some online library, I did not pay the \$5.00. “Somebody lend meh dey user ID and dey password”, and I used that user ID and that password and I gained access. I am not committing a crime per se, it is a breach of contract. So the person who has given me their user ID and their password is breaching their contract with the provider. But, in this legislation and in typical legislation like this, you are criminalizing a civil wrong, you are converting a civil offence into a criminal offence.

Now, this has been tested in court and, I mean, things such as surfing the Web, window-shopping, gaining access to online retail outlets and so on, you could gain access. Again, you could use somebody else’s password and ID that is reserved for them. You gain access, you go into the retail outlet, you browse, you window-shop and so on, but you have done so unlawfully because you are breaching the terms of the contract between the retail provider and the user.

### **5.35 p.m.**

But legislation of this type takes that breach of contract which should just be a penalty in damages; in other words, the person should be fined. The person should have to pay for having access to this information without—they have not paid the necessary fee. So that the penalty should be payment, that is how it is done in civil

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law. If you commit a civil wrong, you pay damages. You do not go to jail. You pay a fine. You pay compensation.

But what you are doing in this law, and this is where you have to be very, very careful, you are converting a breach of contract between users of online information and online access. You are converting a breach of contract into a criminal offence. You need to be very, very, very careful about that, Mr. Speaker. There is a famous case about this, and I will just read from an article written by one Mr. Neil Brown who is a quite famous author on cybercrime, and all aspects of cybercrime. He makes the point that:

“...merely viewing a web page through a web browser – irrespective of whether one has passed a digital ‘stop sign’, or entered a password—would appear to be considered ‘access’ for the purposes of”—this law

So what you have failed to do, Minister, in this law—because the Computer Misuse Act has never really been applied. Mr. Speaker, through you, when the Minister is speaking, could he tell us how many people have been prosecuted under the Computer Misuse Act? This Act has had very limited application and enforcement in Trinidad and Tobago, but you are now passing a modern cybercrime Bill, and one assumes you are passing it for a reason. You are not just going to say you are going to have it on the books for another 14 years. One assumes you intend to use this legislation for the protection of the community, for the protection of the society, and also to prevent fraud, and to prevent crimes and so on, Mr. Speaker, but you have not defined what access means. And as Neil Brown says, “merely viewing a web page through a web browser” could “be considered access” for the purpose of falling within the ambit of these laws.

There is a famous case, and it is a very sad case, and some of you who have some familiarity with the Internet would be aware of this particular case, Mr. Speaker. In this particular case, this is the case of Megan Meier, where somebody called Lori Drew was indicted. Now, Lori Drew was the mother of one of Meier’s friends. Meier and Drew’s daughter were good friends, but drifted apart; this became a trigger for Drew’s subsequent action at the point where Meier indicated she no longer wished to be friends with the Drew’s daughter. Drew created a false account on Myspace.

Now, the other thing is, Mr. Speaker, there are so many false accounts created by supporters of the People’s Partnership that they lose count of them, eh. And every single one of these fake IDs and so on, these bloggers on these [*Crosstalk*—I am saying “allyuh, yuh could say we have dem too”. I am not interested in that. I

am making the point to you, that careful what you do, does not come back and bite you.

**Hon. Members:** Same to you!

**Mr. C. Imbert:** Mr. Speaker, there are so many fake profiles, fake IDs, fake email addresses in cyberspace. Some people have 10 and 20 and 30 fake IDs, I am told, Mr. Speaker. *[Interruption]* I read about that just—*[Interruption]*—yes, I read about that just yesterday. Mr. Speaker, would you—*[Laughter]* I know they are having fun, you know.

**Mr. Speaker:** Yes, yes, continue, hon. Member.

**Mr. C. Imbert:** Mr. Speaker, I thank my hon. Leader and I thank the Leader of Government Business, my hon. Leader, the Leader of the Opposition. He is my leader. *[Interruption]* *[Laughter]*

**Mr. Speaker:** Please, please, let him speak.

**Mr. C. Imbert:** Mr. Speaker, I am proud to say that one of the 18,126 votes that the hon. Member for Diego Martin West received, was from yours truly.

**Dr. Rowley:** Thank you! Thank you, Sir. *[Desk thumping]*

**Mr. C. Imbert:** I am proud to say that, and I sincerely hope that one of the 17,560 votes I got, came from him. *[Desk thumping]* But jokes aside, Mr. Speaker, *[Interruption]* jokes aside, Mr. Speaker, the fact is—*[Laughter]* *[Interruption]* yes, Mr. Speaker, I know they are interested in this topic, but if you go on the Internet, if you go on Facebook, if you go on any one of these blogs—I have not been on one of these blogs for years. I came off the blogs about two and a half years ago. You know why? You know why I came off the blogs, Mr. Speaker? Because I saw fake IDs talking to fake IDs, *[Laughter]* and liking themselves. One man with a fake ID makes a comment, and then uses another fake ID, himself, telling himself, talk boy. “Ah like how yuh talk there.” *[Laughter]* I saw multiple fake identities just mushrooming out of nowhere and the blogs just became farcical, Mr. Speaker, where you have the fake IDs overwhelmed the real IDs, and the conversation was between fake profiles. So “I say, you see dat, dat is ah waste” of my time, that was about two and a years ago. I just signed off from all of the blogs, Mr. Speaker.

But the fact of the matter is, if you go on Facebook now, it is alleged, there are persons with 20, 30, 40, sometimes 50 fake profiles, Mr. Speaker. *[Interruption]* And the fact of the matter is, all of these fake profiles are going to get caught by

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this Cybercrime Bill. “Is jail for dem.” [*Crosstalk*] “Is jail for dem”, Mr. Speaker because you see—[*Interruption*]

**Mr. Speaker:** Please! Please!

**Mr. C. Imbert:** Mr. Speaker, the fact of the matter is that this Bill is now authorizing search and seizure, authorizing police officers to go into your home, into your business place, to the Internet service providers, to seize computer data, to make copies, to try and determine whether you have deleted files and so on, Mr. Speaker.

But let us come back to the Drew case, because it came up with the case of a false profile. So Drew’s mother—Drew, sorry, who is—on behalf of her daughter, created a false account on Myspace, false in the sense that the profile was purportedly that of a teenage boy named Josh Evans, and engaged Meier—this is the girl—in a series of increasingly friendly conversations using the Josh Evans profile. Now, this is the mother of a girl, who was friendly with another girl, and the two girls drifted apart, and the mother decided for whatever reason, decided she will establish a fake profile and strike up a friendship with the girl who had drifted away from her daughter.

While the conversation was initially flirtatious, Meier one day received a message from Drew saying: I do not like the way you treat your friends, and I do not know if I want to be friends with you. This was followed with the message, the world will be a better place without you. Now, this made international press. It was not too long ago. A few minutes later after Meier read this message she committed suicide, hanging herself with a belt in her bedroom. So for those of you who have some familiarity with the Internet, you would have heard of—this is a famous case.

So the mother of a child created a fake profile, struck up a fake relationship with this other girl, pretended to be a boy, trying to be flirtatious, then eventually tells her, the world will be a better place without you. And for whatever reason, the girl took it on, committed suicide, killed herself. Now, what happened? Drew was charged under the Criminal Damage Act in the United States, the case is *United States of America v Drew 2009*, Mr. Speaker.

She was indicted on four charges relating to the Computer Fraud and Abuse Act, which is the US equivalent to the Computer Misuse Act of the United Kingdom. Of particular relevance was the charge that Drew had failed to comply with the Myspace terms of service, and in respect of breach of contract, because creation of a fake profile was a breach of the contract with Myspace, because when you are creating a profile, you are supposed to be truthful. So Drew had created a



fake profile, in breach of the conditions of service, and the prosecution attempted to take that, the mere creation of the fake profile and converted that into a criminal offence. It was a reaction to what was an attempt to find a crime with which Drew could be charged.

So there was public outrage at this whole thing, that this mother had created a fake profile to harass a friend of her daughter, and something went terribly wrong in the whole thing, and the friend committed suicide. So there was a public outcry that this mother should be charged, and they tried to find a way to charge her. The way the—the point of departure was to say that she did not follow the terms and conditions of service when she created the fake profile. So she breached contract, civil wrong, and they converted that into a criminal wrong, and she was charged for four counts, criminal offences relating to the Computer Fraud and Abuse Act.

She was convicted by the jury, and a number of civil rights organizations in the United States protested, and what they said, every site on the Internet that uses a password, a user ID, and a registration procedure, every single site—and there are thousands of them, Mr. Speaker, I mean, Facebook and so on, those are just the more well-known ones, but there are thousands of sites—will now be able to define criminal law arising from a breach of the contract of the terms of their service, Mr. Speaker.

What they said is that the US Government's interpretation of the law was unsupported by case law, congressional intent, well, the equivalent of parliamentary intent was unconstitutionally vague, overbroad and would punish constitutionally protected activities. They said that Megan Meier's death was a terrible tragedy and, of course, it was, and there was a desire to somehow hold the defendant accountable for it. But the defendant's conduct, the prosecution of the defendant was a dangerous construction of the Computer Fraud and Abuse Act, and would criminalize the everyday conduct of millions of Internet users.

I am making the point, you are not just legislating for today. You are legislating for the future and by not defining what "access" means, and by creating criminal offences out of civil offences, you are potentially going to criminalize every single person in Trinidad and Tobago who has access to the Internet, 500,000—600,000 persons. Is that what this Government wants to do—that every single person who has access to the Internet, you are now going to create criminal offences out of trivial breaches of contract, Mr. Speaker?

Now, the case went on appeal and it was overturned, and the judge overturned the case, Judge Wu, by saying that "the Government's position was the

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‘intentional’ requirement is met simply by a conscious violation of a website’s terms of service”. Now, how they made the quantum leap between this mother harassing this girl by saying, look, “ah doh want” to be friends with you, and the world would be better off without you. They made a quantum leap between that action and the false profile, and the criminalization of the action, and the prosecution of the lady for serious criminal offences. When the judge overturned the action, he said:

“...the Government’s”—intention was that the—“‘intentional’ requirement is met simply by a conscious violation of a website’s terms of service. The problem with that view is that it...eliminates any limiting and/or guiding effect of the scienter element.”

The whole question of *mens rea*, the whole question of *actus reus*, Mr. Speaker, the whole question as to the intent of the person to create a criminal offence, Mr. Speaker. By simply a conscious violation of a website’s terms of service, you create a civil wrong—you convert a civil wrong into a criminal offence, and:

“It is unclear...that every intentional breach of a website’s terms of service would be or should be held to be equivalent to an intent to access the site without authorization or in excess of authorization. This is especially the case with Myspace and similar Internet venues which are publically available for access and use.”

So this is a public site, “all kinda ting” posted on it. When you go on to Myspace, you have no idea whether the stuff that is there was obtained lawfully or unlawfully, but under this law, by simply accessing the Myspace or YouTube for that matter, just log on to YouTube any one of you, and if there is anything on YouTube, a video, for example, that was obtained unlawfully, every one of you will be guilty of an offence, and liable to five years’ conviction, Mr. Speaker.

**5.50 p.m.**

And this is the whole point that the judge made in this United States case, and the conviction was overturned, Mr. Speaker. The whole concept of seriousness came in and the concept of looking at the gravity of the offence and looking at the intent of the person who is accessing the public website whether, in fact, they are accessing data without authorization and whether, in fact, they should be subject to criminal prosecution, Mr. Speaker.

The law fraternity in the United States said that this was a very important case. I am quoting here from Prof. Kerr, Professor of Law at George Washington Law

School; he said that:

The Drew case was an extremely important test case for the scope of the computer crime statutes, with tremendously high stakes for the civil liberties of every Internet user. Indeed, if the decision had not been overturned, one might wonder that the cybercrime rate would have demonstrated a massive explosion, almost overnight, as everybody who had failed to provide accurate information on a registration form would now be subject to prosecution for a criminal offence.

And what this means, Mr. Speaker, if you put in information when you are registering on a website, and you do not put the correct address or the correct date of birth, or whatever it is, you would now be subject to criminal prosecution, Mr. Speaker. And it seems apparent that an authority based on contract is a dangerous and disproportionate basis—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin North/East has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Miss M. Mc Donald*]

*Question put and agreed to.*

[*Desk thumping*]

**Mr. C. Imbert:** Thank you very much, Mr. Speaker, and I thank the hon. Members from both sides of the House for extending my time.

Mr. Speaker, as I was saying before I had to sit down, if the decision had not been overturned, the cybercrime rate in the United States would have exploded massively, almost overnight, as everyone who had failed to provide accurate information on a registration form would be guilty of committing a cybercrime. It seems apparent that an authority based on contract is a dangerous and disproportionate basis on which to regulate computer crime, because it potentially opens up millions of web users to criminal prosecution at the whim of website operators.

So Mr. Speaker, I am not going to spend a lot of time going through this legislation clause by clause. What we need to do as a Parliament, if we are serious—now you all could do whatever you want, you know, but if you are serious because, when one looks at the literature on cybercrime, there are certain basic principles with respect to cybercrimes.

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The intention of any legislation like this that is designed to attack cybercrime is to deal with the common forms of cybercrime, fraud, access to somebody's bank account, an intention to try to steal money from someone, Mr. Speaker. Targeting of a computer network, introducing a virus into a system, trying to destroy somebody's computer system or affecting national security or defence. I would assume that the Government's intent in bringing this legislation is to target those kinds of crimes, Mr. Speaker, illegal behaviour, destruction of data, undermining of national security, theft of money, promotion of racial hatred, things like that. I would assume that this is the Government's intention.

It cannot be that the Government's intention is that everybody who is logged on to a computer, or accesses a public website, or receives an email from some anonymous source is now going to be criminalized and subject to three and five years' imprisonment, Mr. Speaker. But that is how this legislation has been drafted.

Mr. Speaker, we need to take some time, and I would suggest to the Minister, we can have a small committee of this House go through these clauses and deal with this problem. Because if you do not fix the definition of "access", and you do not define "intention," the word, "intentional" and the word "access," because as I said, just logging on to a website is defined as accessing it, and if that website has data that should not be there, then you have accessed that data and you are a criminal, according to this Bill.

So we as a Parliament need to be very careful how we define the concept of access, the concept of intentional and the very idea that someone could send me something, and I do not know whether that thing is lawful or not, but because that person obtained it unlawfully, I am now a criminal. That needs to come out of this Bill entirely, Mr. Speaker.

So I am suggesting to the Government, they could do what they want, but I am suggesting to them that we form a small committee and we go through this Bill clause by clause, and we resolve these conflicts in this legislation. I simply do not have the time today, Mr. Speaker, to go through every single clause and to show you the case law and the authorities that would make this law very, very difficult to enforce. So I am making this offer to the Government, they can accept it or not accept it, if they do not want to, it is entirely up to them. But, Mr. Speaker, I want to put them on notice that thousands of their supporters would become cybercriminals overnight. *[Interruption]* I have no idea. Thousands of cybercriminals would become—in fact, that person actually emailed me.

**Dr. Moonilal:** So we understand that person is you.

**Mr. C. Imbert:** No, that person actually emailed me, Mr. Speaker.

**Hon. Member:** He was speaking about himself just now.

**Mr. C. Imbert:** No, no, no, that is so humorous, that person actually emailed me and apologized for other people thinking that she was me. That was quite humorous. No, no, nothing to do with me, I would not pay attention to that.

But the whole fact is, they could make all the jokes they want, Mr. Speaker, but if this law is passed in its present form you are going to criminalize thousands, possibly hundreds of thousands of people in Trinidad and Tobago, Mr. Speaker, and that cannot be what the Government wants, so I would suggest that you pause and we will look at this Bill and see if we can fix it.

I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of Gender, Youth and Child Development (Hon. Clifton De Coteau):** Thank you, Mr. Speaker.

Mr. Speaker, I am always very interested to speak after the Member for Diego Martin North/East, but I do not know, he was very subdued in his contribution this evening. I do not know if he was feeling sorry for me because I supported the wrong team. I really supported Spain and get licks like if I was not christened. Well, you too.

Mr. Speaker, I have listened to some of the other Members present and I really wanted to question the Member for St. Joseph because to me, I heard some statement about PNM public service. I asked for the *Hansard* report and I could not get it, so that I would leave it at that. Somewhere along the line I am certain I would have heard something like that, and I cannot use, in the dramatic fashion of the Member for Diego Martin North/East and say, “Did you, St. Joseph, did you say that? Deny that you said that.” [*Interruption*] I am trying to.

Then I heard my good friend, the Member for La Brea, my former principal when I was a supervisor, and he is talking about he would be the next whip, and I congratulated him for trying to emulate his leader by walking with the scarf, and I do not know if by the associative process, by trying to have the same kind of sartorial elegance, he believes that he would elevate himself and be retained for the seat.

**Hon. Member:** It is a little cold.

**Hon. C. De Coteau:** But more so—no, he is not cold—but more so, you know

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they really say that repetition leads to retention, and sometimes we could be in a fool's paradise. But somewhere along the line the Opposition really believes that, listen, it is their proprietary right that they would always be in government, and they do not know what it is like to languish in Opposition for two terms. Well, I am alerting you all, be prepared for another term in Opposition. Do not look at us with envy, you are going to stay there for another period.

Mr. Speaker, in joining this debate today, to support the setting-up of the Trinidad and Tobago Cyber Security Agency, and the Cybercrime Bill, I would be concentrating, in particular, on the harassment using electronic communications which we call cyber bullying, which is one form of bullying that has emerged with the advent of computer systems as we defined in the Bill. And, Mr. Speaker, at one point I really thought that probably we may have to look at some Bill on parliamentary bullying, because at times the cacophony of sound is so loud and some of the people, you know, trying to tell the other, "behave" and "where is your civility," it could be intimidating at times. Maybe in the future we may look at that parliamentary bullying.

Now, this Government recognizes, Mr. Speaker, that traditional forms of bullying which exist in the home, in the workplace and in the school have expanded to now include cyber bullying. And let me quote from the Internet site of nobullying.com, which adequately frames the issue as it relates to schools.

"...bullying is no longer a problem that is isolated to the playgrounds, hallways and lunch rooms of schools...Instead, advances in technology have now extended harassment to cell phones, social media websites and other online avenues that are contributing to an alarming number of suicides."

And, Mr. Speaker, I must say that as a Parliamentarian we, ourselves, are exposed to some degree of bullying, where the members, your constituents find that you are not aggressive enough in delivering to them.

Mr. Speaker, I heard one of my colleagues on the other side, the Opposition, said in terms of they are "not soft on crime," well, I wonder what they were hard on. The only thing I can say that they were hard on is the hardship that they have created in the rural communities like Moruga/Tableland. [*Desk thumping*] They were very, very soft on crime, when you think about that figure, what was it, 585?

**Hon. Griffith:** 548.

**Hon. Mr. C. De Coteau:** Five hundred and forty-eight—2008—that is a Guinness Book of Records, and we do not really want to go there, and we really

should not be comparing the statistics to gain political points, but they must remember. You see sometimes it is convenient for them to say, “Do not go back there. Do not talk about us.” But at the same time they continue to repeat certain things, hoping—like throwing mud on the wall, some would stick; some would stick. [*Interruption*] Thank you, sniper of class.

So that as postulated by a Trinidad and Tobago local criminologist: “Bullying is aggression that is seen as a form of abuse and can evolve into criminal behaviour. What is prominent is that reports of bullying are ignored as teachers and administrators have become frustrated by what appears to be no let up and the seeming dearth of ideas and strategies to prevent bullying.”

The School of Education at UWI said:

“Bullying does not exist within a vacuum and since it is an issue that spreads across the human lifespan development, the holistic approach, using a rights-based perspective, will be implemented for all persons.

According to the Telecommunications Authority of Trinidad and Tobago, as of December 2013, out of a population of 1.3 million people, there were 451,000 mobile accounts. They also recorded a total of 450,000 Facebook accounts. Younger children are beginning to use cell phones, laptops, social media sites. These children belong to Generation Z or Generation Technology, or the instant generation born over the period 1995 to 2012.

In an article written in the *New Zealand Herald*, Arthur Gregg Dickson stated that Generation Z are truly digital natives as opposed to us. At this age, we are digital immigrants.

Having been born into a world with the technology already so advanced and engrained in daily life, they are unlikely to have experienced a life without some form of new media technology around them.

He speculated—that is, Gregg Dickson—that the problem was the amount of time Generation Z appears to be spending in front of a screen, television, computer, video game or otherwise.

It is quite an astonishing amount of time.

Statistics in the United States show that children between the ages of eight and 18 are spending approximately seven hours and 30 minutes in a typical day using entertainment media. It is even a longer period of time when one considers media multitasking, which is using phones, laptops and now tablets, while watching television. Technology permeates every facet of their lives.

**6.05 p.m.**

We may wish to note that abuse of screen time has an effect on the cognitive and critical development of children, which may result in shorter attention spans because of the speed at which they are receiving the information. They are also less likely to memorize the information because, more often than not, it is more about accessing information quickly rather than learning.

According to a local clinical psychologist, Mrs. Alicia Hoyte, children today are more comfortable with social media groups than they are with real people and the occurrence of Internet addiction is becoming more prevalent. So, we all need to be concerned about what is going to happen if we do not control Generation Z—what they do with the technology—if we do not create limits or boundaries into how children engage in their digital world. Bullying, especially in schools or in other institutions where children interact, is undoubtedly complex and is a form of violence that can have serious consequences.

Computer systems, as defined in the Bill, have taken such bullying to new levels since the text, image or whatever other form cyber bullying takes can be transmitted instantaneously to a large number of peers of the child who is being bullied, and so the negative effects are greatly multiplied. These can be repeated any number of times through Facebook, WhatsApp and other forms of social media through which so many of our young people communicate.

We are aware that adults may also engage in cyber bullying against a child or, as we have seen in other countries, may support a child in the bullying of another. You know, long ago they used to say, “You eating my food, you cyar go out out dey and leh nobody beat you. If you get licks, I would beat you.” And so, they have modernized it now. They are bullying you on the thing, you go back and bully them; tell them something bad. We do not want that. We do not want to encourage that.

In such cases, the child can hardly remove himself or herself from the situation when they are bullied. They become powerless. The Cybercrime Bill, 2014 attempts to address the problem of cyber bullying specifically in clause 21 of the Bill. It creates an offence of cyber bullying, which is the repeated use of the computer system to coerce, intimidate or harass another person with intent to cause emotional distress. The penalty attached to the offence is, on summary conviction, a fine of \$100,000 and imprisonment of three years. On indictment, the penalty is a fine of \$250,000 and imprisonment of five years. The prescribed penalties are the maximum penalties and the normal principles will be applied by the courts in handing down a sentence to a child.



Sections 57 and 58 of the Children Act, 2012 are particularly relevant here. Section 57 seeks to ensure that the parent or guardian or person with responsibility exercises reasonable care and supervision of a child and, as I mentioned—and, in fact, I will mention later—educating parents on the use of IT technology assumes a great deal of importance in this regard. We have to educate the parents.

Mr. Speaker, section 58 of the Children Act, 2012 also prescribes a wide range of orders available to the courts in sentencing a child. As such, the offence of cyberbullying, if committed by a child, can be dealt with appropriately. Thus, for example, a supervision order may be made or an order may be made that the child offender be referred for counselling or for a psychological evaluation and resulting assistance.

Clause 21(6) of the Bill defines cyber bullying as the use of:

“...a computer system repeatedly or continuously to convey information which causes:

- (a) fear, intimidation, humiliation, distress or other harm to another person; or
- (b) detriment to another person’s health, emotional well-being, self-esteem or reputation.”

In many cases, the distress associated with repeated harassment, especially with regard to young people, is so severe that it sometimes results in the young person taking their own life. The new term for this is “bullycide”. They call it “bullycide” where they take their own life, through cyber bullying. “Bullycide” is the hybrid of bullying and suicide and occurs when someone takes their life as a result of being bullied. According to [www.bullyingstatistics.org](http://www.bullyingstatistics.org):

“Cyberbullying has taken the concept of physical bullying to a whole new level, which is why many researchers believe it is often responsible for cases of bullycide. With many teens taking their lives after being bullied by fellow peers either in school or on the Internet, it leaves parents, teachers and their friends wondering what can be done to prevent bullycide.”

According to the same website:

“Children and teens who are bullied live in a constant state of fear and confusion in their lives. Many feel the only way to escape the rumors, insults, verbal abuse and terror is to take their own life. Bullycide is clearly a serious issue.”

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Psychologists attribute the different behaviour of young people on social media sites to the online disinhibition effect. This generally means that social media sites provide a cloak of anonymity and the ability to conceal one's identity, sex and age to create a new person, persona, to project to the world. It allows one to be whoever one wishes to be and they are not constrained by the social morés and rules that will usually apply.

This is the idea: you do not know me; you cannot see me. It is all just a game and the rules do not apply here. The online disinhibition effect is the loosening or complete abandonment of social restrictions and inhibitions that would otherwise be present in normal face-to-face contact during interactions with others on the Internet.

This effect is caused by many factors including dissociative anonymity, invisibility, dissociative imagination and the minimization of authority. This is indeed a new concept, but it goes without saying that the behaviour in cyberspace is different because children, and even adults, believe that the rules of generally acceptable behaviour do not apply in cyberspace. So, in cyberspace, you can do what you want because of the anonymity.

It is also important, as educators, that we keep abreast of the information and communications technology, the ICT development. As you know, the use of laptops has also generated such discussion emanating from both educators and parents. How do we as a country ensure that ICT is used for the beneficial purposes for which it was intended—that it is easy access to information from a variety of resources, which is up-to-date, free and at the touch of your fingertips?

Online education, Mr. Speaker: online degree programmes and the electronic submission of test papers at tertiary education institutions show that we cannot go back to the paper-based system. Everything is virtual now. Live feeds, the virtual classroom, video conferencing and telecommunicating are all benefits related to the use of ICT. Educating parents in the proper use of ICT by their children is the key to making Internet safer for children and families from the problem of cyber bullying.

At the recent 17th ICT Open Forum hosted by the Telecommunications Authority of Trinidad and Tobago, TATT; theme, safeguarding our children in cyberspace, the topic of cyber safety was discussed. This brought together stakeholders to discuss issues which included the monitoring by parents and caregivers of their children's use of social media, the Internet and devices including cell phones, smart phones, tablets and laptops.

One of the recommendations was increased parental control for children using social media. Other recommendations are that parents familiarize themselves with programmes to help with content filtering. It is necessary that the parents familiarize themselves, but what happens is that some of the parents cannot even text. I know of colleagues of my chronological age era who say, “Boy, once I could answer the phone and send a call, that is all”. They cannot text. I know some might be challenged with spelling, but we have to get parents to familiarize themselves with programmes to help with content filtering, to create safer passwords, to use free online protection software and to ensure that social media privacy, settings things, are used on their children’s devices.

A number of parental control software was also recommended. One such software is the Phone Sheriff, which parents can use to monitor their children’s use of mobile phones and tablets. It filters, blocks and monitors how your child uses their mobile device. After the software is installed, you can set up specific restrictions for phone numbers, websites and time periods. The software can also record user activities such as SMS, text messages, call information and GPS location. You can view logs on the device itself.

Another example is Net Nanny—I have to be careful how I am saying that—*[Laughter]* *[Interruption]* I am not saying Nanny on the Net—which provides Internet filtering, the ability to block pornography, time management, social media monitoring, child protection software, alerts and reporting remote management and profanity masking.

The parents in attendance at that forum got an eye-opener when they were shown the language being used by kids. It is interesting the language being used by kids, even today, which is encoded. For instance, I will give you some examples. We all know LOL, laugh out loud, and TTYL, talk to you later. But, Mr. Speaker, do you know about GYPO, get your pants off; IWSN, I want sex now; and NIFOC, nude in front of the computer. *[Laughter]* This is the sort of language that is used right in the presence of parents and they do not know. It is the new type of dictionary.

We are familiar—you have to be as an educator—with texting, but are we familiar, as the Member for Couva North said, with the sexting. According to the *Rhode Island Bar Journal, March/April 2011*, the general definition of sexting in the United States is sending sexually explicit photos, images and/or videos electronically. Sexting is illegal and constitutes child pornography.

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Clause 19(1) of the Cybercrime Bill makes it an offence to intentionally publish or transmit through a computer system the private parts of another person—that is to say, their genitals, pubic area, buttocks or breast—without their consent. On summary conviction, the penalty is \$100,000 and imprisonment of two years—so that if you decide to get a picture of someone and you want to play brave and send it, then it is a crime you will commit—on indictment, the penalty is \$500,000 and imprisonment for three years.

They are inundated with cases of children sending texts, and even worse, sending videos of themselves or others engaged in sexually explicit pornographic activity. Mr. Speaker, this also constitutes child pornography, and we have sought to create the offence of child pornography under the Children Act of 2012. I know someone had mentioned how we take it off, but it is there in the Children Act of 2012. Where the offence is perpetrated by a minor, we recognize that it is indicative of other underlying social issues such as an early exposure to sexual activity or molestation by adults.

Parents are oblivious to the new text lingo that is evolving that they need to be aware of. We need to educate them. Parents have to be very vigilant in monitoring their children's social media and electronic media use, and ensure that the parameters are set early.

Mr. Speaker, new social media sites allow for videos to be taken that evaporate into thin air after two minutes. Snap chat allows for a picture/video/text to be erased automatically after a period of time set by the user. It is a parent's nightmare because it prevents them from monitoring the content being shared with the child's friends or others in cyberspace. Mr. Speaker, this also poses an evidential problem for law enforcement agencies, because the video or the text with the incriminating content is erased from the snap chat servers after a time limit of one to 10 seconds.

Vine, V-I-N-E, is a mobile application that enables its users to create and post short looping video clips of six seconds' duration, and it can be shared to other social networks.

The point is, Mr. Speaker, that these applications allow children to post from the comfort of their own bedrooms, videos of themselves that can be accessed by online predators who are trawling to make contact with vulnerable or unsuspecting victims.

Mr. Speaker, we recognize that the Bill places on parents a greater responsibility to ensure that their children's use of ICT is better monitored, and so it would require sensitization campaigns. As a parent, you can help your child and encourage them to take control of the issue of cyber bullying by talking to them about it before it happens. Parents need to show their children how to block bullies, so they are no longer able to make contact, and to keep a record of harassing messages in case authorities become involved.

If your child has been involved in cyber bullying and seems distressed or shows changes in behaviour or mood, it may be advisable to seek professional support. Being safe in relationships is a fundamental human right. However, bullying is a serious issue in Trinidad and Tobago, and it is rapidly becoming a growing concern.

Mr. Speaker, the Ministry of Gender, Youth and Child Development recognizes that though bullying is considered a school problem, the issue of bullying is not only limited to children, but expands throughout a person's life and manifests itself in different forms. Such behaviour does not usually go away on its own, it gets worse with time, unless the root cause and risk factors are identified and assessed to implement intervention and preventative strategies by policy makers and educators.

Recognizing the need for intervention and in alignment with objectives of our strategic plan, our Ministry is proposing an initiative entitled: "Respect Me, Respect You" to promote a caring environment and prevent bullying on a nationwide basis as one of its priorities for this fiscal year using a rights-based approach to ensure equality, justice and dignity for all our citizens.

The purpose of the Respect Me, Respect You initiative is to create behaviour change. Given the scope of the project, the Respect Me, Respect You initiative is envisioned as a continuum of a series of activities introduced in phases over a period of years. The first phase will be done through a four-pronged approach that includes:

- (a) train the trainer sessions for key professionals;
- (b) nationwide sensitivity and awareness of bullying behaviours among citizenry through public service announcements on television and radio and newspaper inserts;
- (c) national school-based initiative; and
- (d) the development of national anti-bullying guidelines.

The fundamental underpinning within each element of this campaign would be the value of respect for oneself and for others using human rights-based approach.

Behaviour change occurs over time, therefore, the project acts as an initial stage of ongoing initiatives towards this end.

Upon achieving the proposed expected outcomes, it is recommended that this project should be repeated annually and expanded and, upon review, may include other methods of intervention.

The main objectives of this initiative are:

- to establish standards and guidelines and develop preventative and response mechanisms to address the issue;
- to promote positive behaviour change and create a caring environment;
- to build capacity of key professionals in addressing bullying;
- to sensitize the public and foster personal awareness of self in relation to respect for self and for others.
- to educate and reinforce the respect for human rights throughout the human's lifespan.
- to cultivate the art of social skills and approaches to dealing with individual and group-related differences, conflict situations and other aversive environmental stimuli.

Additionally, the Ministry of Gender, Youth and Child Development, through the National Family Services Division, offers free counselling to families and to parents who face these, as well as other parenting challenges.

The Ministry has started rolling out in targeted communities parenting workshops, which we hope will provide some of the guidance necessary to help parents understand and navigate the new environment in which their children operate.

Mr. Speaker, these are the issues that parents and educators grapple with on a daily basis. The majority of parents are unaware of these dangers because they do not understand how to use the Internet to provide the required monitoring and protection. It will, therefore, become necessary to create tailored programmes to educate parents on the usage of ICTs as the education system increases. Awareness on cyber safety for primary and secondary school students is needed as well as an explanation of the new cybercrime laws and its implications.

In closing, Mr. Speaker, I have outlined in my remarks today, cyber bullying is a very distressing problem. By making it illegal to harass individuals online, whether it be with words or images, we give police and the courts another tool to go after those who attack and victimize others online.

Additionally, the setting-up of the Trinidad and Tobago Cyber Security Agency will act as a national point of contact for all cyber security related concerns. This agency, Mr. Speaker, will refer any cybercrime such as cyber bullying to the Trinidad and Tobago Police Service when an offence under the Cybercrime Act, 2014 comes to its knowledge. Ordinarily, the police will not be able to easily detect incidents of cybercrimes, and the establishment of a specialized agency will assist in the detection and deterrence of cyber bullying and other related Internet crimes which may be perpetrated against children by adults and also some regrettably by children. It is for this reason, Mr. Speaker, I support the Bills before this honourable House today.

Mr. Speaker, I graciously thank you. [*Desk thumping*]

**Dr. Amery Browne** (*Diego Martin Central*) Thank you, Mr. Speaker, for the opportunity to contribute to this particular debate. This is a brief intervention, Mr. Speaker, largely triggered by the contribution of the hon. Member for Moruga/Tableland who decided to use this debate to make some observations that have stimulated my response.

I just want to begin with something he said right at the start of his contribution, Mr. Speaker, when in throwing a few barbs at the Member for La Brea he said that: “The PNM thinks that they should always be in office.” [*Crosstalk*] He began by saying that the PNM thinks that they should always be in office and, Mr. Speaker, I just want to correct the Member for Moruga/Tableland. The PNM does not think that we should always be in office, because this is a party that respects democracy hon. Member and [*Desk thumping*] this is a party that understands the reason for elections, and that is, to give the population a choice, and we always respect the choice of the population.

Mr. Speaker, if the Members opposite would choose to be silent and listen, not just to me, but to the citizens of this country, they would recognize that there is a growing crescendo [*Desk thumping*] and that crescendo is not that the PNM should always be in office. That crescendo is that the Government that is currently in office has already overstayed its welcome in power. [*Desk thumping*]

So, I just want to clarify that matter for the benefit of the Member for Moruga/Tableland, and do not misinterpret what my colleague was saying at all. And if you have already overstayed your welcome in power, you cannot blame the People’s National Movement for that. [*Desk thumping*] The blame lies on that side of the aisle. Well, I have to include the naughty corner as well behind me, but the blame lies on your side of the—[*Interruption and laughter*]

**Miss Ramdial:** I take offence to that.

**Dr. A. Browne:** Mr. Speaker, they want to distract me already. We have problems with some of the definitions in the Bill, but I might have to define the “naughty corner”. [*Desk thumping*] I would want to say somewhere between [*Laughter*—I would not go any further, Mr. Speaker. I think they know exactly—especially the Member for Oropouche East—where the naughty corner begins. Mr. Speaker, they always tell us quietly that there is still room for their Members in the naughty corner, and I suspect there might be some vacancies to be filled.

But, Mr. Speaker, I was making the point that if they have already overstayed their welcome, Member for Moruga/Tableland, you cannot blame the PNM for that. The blame lies on your side of the political aisle—blame your Prime Minister; blame the decisions that have been made that are not seen as in keeping with the interest of the people of Trinidad and Tobago. So, we do not always think that we should be in office at all.

Mr. Speaker, this debate really hinges around cybercrime, and it cannot be delinked from the bigger issue of crime itself, because this is just one form of crime, and it feeds into the general perception and the burden that is on our citizens that crime is at an unacceptable level in Trinidad and Tobago in the year 2014.

Cybercrime is just one manifestation of the crime that is all around us, and the spectrum ranges from what we all agree would be the most extreme acts of crime—which would be murder, rape and acts of physical violence—to other violations and invasions and transgressions that do damage in more ways than one, including psychological, including financial and sometimes including physical and emotional, and there are other Members who have already addressed some of those ramifications.

**6.35 p.m.**

But, Mr. Speaker, I just want to say that we cannot conclude this debate without looking at the root causes of cybercrime/crime, and they are the same and they should resonate in this House because they have been addressed before. Mr. Speaker, those root causes are issues such as greed, applies to all forms of crime. That is one of the root causes, malice, and we have seen political examples of some of these root causes: greed, malice, indiscipline, and we have Members here who are experts on that particular root cause of crime. Indiscipline, disrespect, and again, there are Members in this House who are experts at the practice of disrespect.



Cybercrime cannot be delinked from the cultural fertilizers of crime in Trinidad and Tobago. One of those is a lack of consequence, and I know the hon. Minister might be saying, well, with the introduction of this Bill there are now consequences to some of these violations. But, we have had so many pieces of legislation trotting through this House, some of them limping, some of them creeping, crawling through this House, some of them never making it back out of this House, but at the end of the day, citizens are left with the impression—and I am being very clear to the Minister—that these Bills are not connected to their everyday reality. They are not really seeing a change in terms of the perception that crime is an unacceptable burden.

So, it is very much delinked from a sense of consequence, and we have had so many examples of individuals on the face of it violating the law, and despite the existence of a Parliament and a Cabinet and meetings here on Fridays, Bills being passed and debated, the population is saying there appears to be no consequence for wrongdoing—[*Interruption*—and I do not think this Bill is going to change that at all, especially with some of the deficiencies that have already been demonstrated. And, if I could suggest one priority to the hon. Minister of National Security, it would really be to address that gap in terms of that lack of consequence, and I could quote numerous examples—number of them that I personally brought to this House and I still remain with a sense of deep dissatisfaction.

There are issues like the cocaine surgery that the Member for Barataria/San Juan has been very reticent and quiet about, lack of consequence when it is in the public domain and citizens are saying we are spending money on Parliament; it is our tax dollars being expended, but we are not seeing any consequence. The issue of baby Simeon again that was brought right here to this House, and we are not seeing any consequence, the citizens are saying. When obvious transgressions are occurring, and I think there were references earlier to, even, video presentations and other things. I would not dwell on it, but if this Government had the ability to listen to the citizenry they would recognize that that is the major concern, the burning priority of our citizens, they need to start seeing demonstration of consequence when the wrong thing is done.

Instead what we are seeing, Mr. Speaker, the wrong thing is being done, sometimes in obvious fashion, no consequence whatsoever. We are not going to change the culture of crime in this country if that is the case, and that is connected to the issue of bad example. So, it is one thing to come here with very sanctimonious clauses, talking about cyber bullying and harassment and so on, and

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then it is another if you have demonstrations of paid government operatives engaging in exactly the types of behaviours.

Mr. Speaker, I have seen memes—images of Members of Parliament—and to me it does not matter which side of the aisle, hon. Members of Parliament being distorted and used in the most humiliating and aggressive manner, sometimes with racist overtones and undertones, very malicious acts. It is all well and good to try to enshrine some of those violations in law, but it rings hollow when there are many members of the population that are aware that the Government itself is not innocent of engaging those types of behaviours through their paid operatives, their bloggers, their university students that they have hired and given cell phones to, and all of the other ramifications of PR gone mad, PR on steroids, which is the UNC style of communication.

So, we talk about bad example with regard to cybercrime, with regard to lack of consequence, with regard to the cultural fertilizers of lawlessness and I can think of no worse example in this country than the current administration in power. That does not set the right tone. *[Interruption]* Mr. Speaker, as usual, it is no surprise that this Government does not know where to start. I have formed the impression they are aware of the problem, but I do not think they know really where to start and it is obvious they tend to plan very poorly and I would demonstrate some examples. My colleagues have already done so, to my view, to great adequacy. Some evidence that this Bill, the way that it has been put together has been poorly planned; their approaches tend to be scattershot as well, unfocused and they lack context and strategic direction.

Mr. Speaker, this Government cannot stop corruption and crime that is in front of it and within it, within the departments of state. The classic example in this country right now is the notorious LifeSport Programme. *[Interruption]* That is not an academic exercise, that is not something that we read about in Mosul in Iraq, or in Afghanistan, or in Kabul, or in Pakistan, or somewhere far away. That is right here in this country involving taxpayers' dollars, and if you cannot come to grips with dealing with those types of crimes that are within the Government itself, how on earth are you going to deal with the esoteric, the untouchable, cyberspace? How are you going to get your act together to deal with that and reduce crime there, when within the Government itself, there is clear evidence that it is rife with corruption?

And I doubt the Minister of National Security would be tempted to tell us all he knows in this regard, and I would not draw him out too far on that topic, but he is winking and nodding—*[Interruption]*

**Mr. Deyalsingh:** Knowingly.

**Dr. A. Browne:** Yes. Because I know he is troubled. I know he is troubled by some of these manifestations, but it appears as if his duties as Minister of National Security are being hobbled and constrained by a political agenda that surrounds him—*[Interruption]*—and, Mr. Speaker, just the very term “honourable” would suggest you either take the population into your confidence, if that is the case, or you demit office. That is my suggestion. There are only two roads to take if that is the case.

**Mr. Deyalsingh:** Political untouchable.

**Dr. A. Browne:** That is one way, political untouchable. *[Interruption]* Mr. Speaker, I do not know if that was an interjection from the Member for Chaguanas East.

**Mr. Cadiz:** Say Robocop.

**Dr. A. Browne:** No, I am not going to say Robocop. *[Laughter]*

**Mr. Cadiz:** Say Keith Noel then. *[Laughter]*

**Dr. A. Browne:** Mr. Speaker, and the Member for Chaguanas East, in a very disrespectful manner to the deceased is now shouting out Keith Noel across the floor.

Why do you not leave that for us, Member for Chaguanas East, when you know fully well, with approaching 200 murders in Trinidad and Tobago—*[Interruption]*—a Member of Parliament could be shouting out Keith Noel across the floor. Mr. Speaker, that is shameful and I am embarrassed on behalf of the Member for Chaguanas East.

**Mr. Cadiz:** You should be embarrassed.

**Dr. A. Browne:** Yes.

**Mr. Deyalsingh:** The memory of Keith Noel.

**Dr. A. Browne:** Exactly. A former beloved employee is now being treated as a political football right here by the Member for Chaguanas East. Leave that for somebody on this side to shout at you. You do not shout that across here. Very bad behaviour.

Mr. Speaker, so their approach has been scattershot. Week after week they are bringing Bills that make no difference to the lives of citizens, when at the same time crime is at an all-time high and it is all around us. People have lost faith in the

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Trinidad and Tobago Police Service, and now we are being offered yet another agency appointed by politicians, the Minister of National Security, appointed by him, and we know what their track record is in this regard and we examined the very loose arrangements for qualifications—[*Interruption*]

**Mr. Indarsingh:** Who—[*Inaudible*—]for police commissioner?

**Dr. A. Browne:** Mr. Speaker, the Member for Couva South is taking advantage of your momentary distraction to try to distract me.

**Mr. Speaker:** Well, you have my full protection. Member, do not disturb the hon. Member. Please! [*Laughter*]

**Dr. A. Browne:** This is not Rienzi Complex. [*Interruption*] Mr. Speaker, people have lost faith to a large extent in the Trinidad and Tobago Police Service, and I could just draw an example to the Anti-Corruption Investigation Bureau, which recently has been before a Joint Select Committee of Parliament, and I would not dwell on those proceedings, but only to suggest that the officers, even within that bureau have indicated that they are feeling constrained, falling under the aegis of the Ministry of the Attorney General. If we are really to deal with some of these more challenging areas: corruption, cybercrime, et cetera, the arrangement should be steered as far away as possible from political control, political appointment, political manipulation, the ability—not casting any aspersions on the current Minister—to manipulate or interfere with the operations in these very sensitive areas of our national security, and I think again, my colleague from La Brea gave some examples of the manner in which this Bill appears not to defend us from that kind of manipulation.

Mr. Speaker, they keep saying crime is down, crime is down, so I guess after they try to pass this Bill they may say cybercrime is down. But, the problem is the manner in which these statistics are generated, and it is a constituent who is a former member of the police service pointed that out to me recently, yet again, and I must mention it here. Some of the statistics upon which the Government has been relying really are a reflection of the lowered confidence of citizens. Because persons are reporting crime less and less, because they realize there is no benefit to making those reports, and sometimes there is even risk to themselves in making those reports.

The Government is seizing upon that reality to come back at the same citizens who have lost faith, who are cowering and hiding in their houses, who are not even reporting when they are being assaulted or their houses have been broken into, and the Government is shoving the statistics in their faces and telling them crime is

down, serious crime is down and maybe they would start saying cybercrime is down.

And, Mr. Speaker, that is a very dangerous reality, it is a virtual space in itself in which the Government has started to operate completely disconnected from the reality of our citizens—*[Interruption]*

**Mrs. Alleyne-Toppin:** Is it new?

**Dr. A. Browne:** Sorry, Member for Tobago East? Is it me?

**Hon. Member:** Is it new?

**Dr. A. Browne:** Mr. Speaker, I am unable to interpret the mutterings of the Member for Tobago East *[Laughter]* so forgive me if I just move right along. If I did I would have responded. I have no idea what she is saying right now. *[Laughter]*

**Dr. A. Browne:** *[Interruption]* Spanish, you say?

**Mr. Peters:** Latin,

**Dr. A. Browne:** Latin. Mr. Speaker, the Member for Mayaro wishes to tempt me.

So, all of this is happening, Mr. Speaker, and they are cool and calm, everything is a-ok, they are fully in control apparently. Mr. Speaker, if that is control—to quote a line from a recent film—I would hate to see out of control. *[Interruption]* If this is control, I would hate to see out of control, approaching 200 murders for the year so far.

So, they come to us with this Bill, triggered—it is my personal suspicion—by emailgate, videogate and some of the recent excitement in the public domain, but I believe this has been fairly hastily put together and I will tell you why I say so. You can deny it if you wish, I will tell you why I say so. Triggered in part by those, true to form it is ad hoc in some areas, “vaille-que-vaille”, scattershot, et cetera. There is looseness in some of the qualifications associated with the agency. We have had evidence of that already presented. I mean, the most important position of chairman, I believe my colleague from St. Joseph, suggested or almost offered Resmi Ramnarine as a suitable chairman. According to the letter of the law.

**Mr. Deyalsingh:** Resmi 2.0.

**Dr. A. Browne:** Resmi 2.0. But, Mr. Speaker, this is serious business, and if the Minister would take the time to look at some of the precedent he would recognize that a lot of time has been taken in Bill preparation and even in

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Parliament in getting those criteria right, the very specific wording, and I can give the example of the Children's Life Fund, where the Bill was brought to this Parliament, we agreed in principle with the issue. I was the first responder on this side, my colleagues also responded, and considerable time was spent in getting the board and the directorship right in terms of those qualifications and how they are balanced, because it makes a difference in the real world to our citizens.

**6.50 p.m.**

Another example would be the Children's Authority, Mr. Speaker. I would speak a little more about that in response to some of the things the Member for Moruga/Tableland said. A lot of intellectual energy and effort was spent—it was not just an overnight thing and let us bring a bill—to ensure that we get those criteria right so that you would not have—whoever the Minister might be or whoever the Government might be in the future—to bring in unqualified or inappropriate persons to serve in these very sensitive positions. So, this is serious business.

I could even refer to the National Aids Coordinating Committee and many other agencies, committees and bodies that have been established—some through legislation and others through administrative arrangements—in the state of Trinidad and Tobago in which considerable time and intellectual energy were spent in getting this right.

It is clear to us that that energy has not been spent in the drafting of this particular Bill with regard to the establishment of the agency. So, we must be concerned about that looseness in the qualifications that have been outlined. That is not work for amateurs, in terms of setting up such an agency.

Mr. Speaker, there is also vagueness and looseness in a number of the offences that the Minister is proposing that, my colleagues have demonstrated, would capture innocent persons; children accessing the Internet at a library; clumsy users of cyberspace of which there are many. I would suggest—I certainly am not one of them—maybe some of the Members of the House or others who might be less familiar with the Internet—computer use. Clumsy users can fall into violation in the manner in which this Bill has been drafted.

Media practitioners, as my colleague, the Member for St. Joseph has said, and others have said, can find themselves in violation based on the manner in which the Bill is currently drafted; non-experts, public servant; so many sectors of society and that should not give the Government comfort. That is no cause to pat yourself on the back just merely because you have demonstrated that there is a problem and

you have brought a Bill. It has to be the right type of law in order to solve that problem.

That gap of logic we have seen with the gang situation. They came here—the Attorney General shouted, screamed, jumped on the table and said we have a serious gang problem in this country—brought bad law and, guess what happened? We have all struggled. The police service itself struggled; our innocent citizens out there struggled; the prison system continues to struggle; the judicial system struggles and we do not end up solving the problem. So, again, it is a note of caution, and I am trying to sum up some of the things that my colleagues may have mentioned before.

Mr. Speaker, then, once again, guilty as charged, United National Congress. They came here this morning and even before the debate began, guess what happened? Lo and behold, amendments are being circulated.

**Dr. Rambachan:** What is wrong with that?

**Dr. A. Browne:** Well, I will tell you what is wrong with that.

Mr. Speaker, just like when you enter a crime scene, you look for evidence and that evidence is connected with, sometimes, motive and reality. This type—*[Interruption]* Mr. Speaker, why does the Member for Tabaquite feel empowered in this House to interrupt in this manner? Another example of lawlessness. *[Interruption]*

**Hon. Member:** Really?

**Dr. A. Browne:** Really, yes, there are Standing Orders, the Speaker will direct you shortly, proceed. *[Interruption]* He thinks this is a joke, you know. *[Interruption]*

**Hon. Member:** Do not be intimidated.

**Dr. A. Browne:** Mr. Speaker, *[Interruption]* it is impossible for you, anyone on that side, in fact, anyone in this House or outside of this House, to intimidate this Member of Parliament. Try your best.

Mr. Speaker, I continue—*[Interruption]*—Try your very best. *[Interruption]* That is not possible.

**Hon. Member:** You threatening?

**Dr. A. Browne:** I am not threatening him, I am putting him on alert. He cannot intimidate me.

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Mr. Speaker, the fact that these amendments were circulated before the debate even began, that caused me to sit up and examine these amendments very closely because it was my theory that in this list of amendments there would be evidence of either proper preparation for this debate and of this Bill or poor preparation. It is my sad duty to report to this House that there is evidence of very slapdash and poor preparation in this particular Bill because the major deletion is the deletion of all the provisions related to child pornography.

Mr. Speaker, this Bill would have gone through whatever internal mechanisms this Government has politically. This Bill would have gone through, we assume, the Legislative Review Committee. We assume, we do not know if it still operates—the Member for St. Augustine is not going to tell us—but we assume that it would have passed through that stage.

Mr. Speaker, none of the eyes, none of the brains, none of the ears realized that we already have legislation, Acts of Parliament, which specifically address child pornography in Trinidad and Tobago. This is not 1942 legislation, this is 2012 legislation. When I compared the Children Act, which has an entire section, Part VIII of the Children Act just has one purpose, treating with child pornography. I see that this Government laid this Bill on the Order Paper, this Cybercrime Bill and brought it here with a section on child pornography I decided to compare the two. Mr. Speaker, I am very, very worried because it is a symptom of laissez-faire, slapdash, a lack of application and preparation with regard to legislation.

That is why we have been so meticulous. Some people may say, sometimes, we are pulling hairs or being too circumspect. That is why we have to insist that this Bill should go to, at minimum, a Select Committee, Joint Select Committee or some committee process where it can be better examined and we can correct some of the flaws that have been demonstrated. I really wonder if this Bill passed through the LRC.

On this issue of child pornography, if you compare the definition of child pornography in the Children Act of 2012 with the definition that is in the Cybercrime Bill, 2014 that was circulated, it is a different definition. We look at the clauses, a number of the offences, there are differences and I am wondering why would we have wasted our drafters' time because normally the policy comes from the Government and the Minister—the Ministry or the Cabinet, then you have your public servants drafting. Clearly, they sent them in the wrong direction, only for it to be erased here today via amendments. So, I am worried about the looseness of this Bill.



Then, just to take a quick example, my colleagues really addressed most of them. I looked at clause 10—[*Interruption*] Griffith Bill, the Member for Diego Martin North/East says. I do not know if that is more of a disservice to the Bill or the Minister himself.

Mr. Speaker, clause 10(2) reads very interestingly—[*Interruption*] I think the Member for Diego Martin North/East is a little beside himself with the World Cup. Clause 10(2), and I will quote:

“A person who, intentionally and without lawful excuse or justification, hinders or interferes with a person who is lawfully using or operating a computer system commits an offence.”

Mr. Speaker, “A person who, intentionally and without lawful excuse or justification, hinders or interferes...”

Look how broad that phrasing is. If someone is using a computer or computer system and you intentionally hinder or interfere with that person—you hinder or interfere with that person, Mr. Minister—you have committed an offence under the Cybercrime Bill. [*Interruption*] Exactly. You send a person an email with a virus and you are not aware of it—I do not know people are aware that their emails have viruses and they send them out—I get them all the time, it is a good thing I have good anti-virus software—you have committed an offence. You have intentionally sent the email.

“A person who commits an offence under this section is liable—

(a) on summary conviction to a fine of one hundred thousand dollars...”

which may be small change for some Members, not for others.

“and imprisonment for two years; or”

That and all may be small change for some of them in their future, but

“imprisonment for two years” and a fine of \$100,000 and—

“on conviction on indictment to a fine of three hundred thousand dollars and imprisonment for three years.”

That cannot be described by anyone as good law. It is loose, it is “*vaille-que-vaille*”, it is *laissez-faire* and it is just not acceptable. So, I do not think that clauses like that would make it through any expert review and the Minister, I am sure, is being advised accordingly, as we speak. It is my hope.

Mr. Speaker, I do not want to end my contribution without, in some ways, empathising with the concern that would trigger legislation such as this. I think it

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would be only fair to do this because cybercrime is everybody's business. It is not just the business of the Government, it is the business of the citizens of Trinidad and Tobago, it is the business of the Opposition as well. That is why we are so concerned that we get this right. We are not saying just take this away and this is not important to the Parliament; this is important and we must get it right.

Cyberspace, as Members know, can be used for good as well as for evil. One of this Government's policies—I am being very generous in using that word. One of its activities—it is more an activity if you do it in a work plan—is the distribution of these laptops to students. Besides whatever money going to the financiers of the project, I am sure there could be some good intent, somewhere along the line, if we sift through it, but the Government has to recognize, the students have to recognize, and the citizens have to recognize that these tools can be used for good as well as evil. Cyberspace can be used for good as well as evil. I would say, on the good side—[*Interruption*] Member for Tabagite, I am assisting, you know, so you do not have to interrupt.

On the good side, Mr. Speaker, there is the benefit of education. Cyberspace can be very educational. Members use it all the time, the Parliament uses it all the time to help educate members of the public, inform members of the public. Cyberspace can also be used for empowerment. I am just giving the good side of it.

Some of us—I can speak for myself—as a Member of Parliament, I have a Facebook profile that is very active. I would suggest I am the most active Member of Parliament in that regard. What I would try to do—[*Interruption*] The Member for Couva North is disputing that; she is also active I am sure, baby pictures and the like, no doubt. Nothing is wrong with that.

Mr. Speaker, I can speak for myself and hopefully, for colleagues as well, the idea is to try to empower citizens, to impart some kind of inspiration, if possible, and use cyberspace in a constructive manner so there is good intent. Cyberspace can be used for outreach as well and you have agencies such as the Red Cross, other NGOs and civil society groups that use cyberspace for outreach purposes. The last administration, and hopefully this one, has also been doing some of that in terms of reaching vulnerable citizens and so on. There is an outreach component to cyberspace. It is also useful for networking.

There are so many good applications to cyberspace. Commerce I mean, many speakers have cast it in a negative light, but there are so many citizens of this country, many of whom are now working at home because of the advent of the Internet and cyberspace. Many Members—even members of staff, I understand—

make purchases online and have Amazon deliveries and other things, whether it be shoes or—*[Interruption]* The Minister is warning us, some of these things are going to be now penalized. They are going to find themselves in transgression of the new Cybercrime Bill. *[Interruption]* Mr. Speaker, I think the Member for Diego Martin North/East is looking for some injury time. Maybe, again to use a World Cup metaphor, but he is right. The thing is, he is right. He is correct, as is quite often the case, I would say.

Mr. Speaker, we are still talking about the good applications. Commerce, and there are citizens who now earn their living in such a manner and there is nothing wrong with that. So, we need to make sure. The reason I am saying this, Mr. Speaker, when we bring legislation we really need to be very circumspect that we only capture the mal-intent and the misapplication of this resource and that we do not capture the innocent or the clumsy. I think it is now clear that this Bill captures a number of persons in that regard.

Cyberspace is also useful for communication. I could speak, sometimes grandparents use Skype and other means to communicate with their little baby grandchildren. It is a beautiful thing sometimes. There is nothing wrong with all of that. Monitoring and security; there are Members here and citizens who can go on their cell phones and look at cameras around their houses—*[Interruption]* Yes, those who can afford those systems have been putting them in, because of the high-crime situation, Member for Tabaquite. Those things are important.

#### **7.05 p.m.**

And it is not just in terms of security cameras, baby cams and baby monitors, Member for Couva North. You can get it on your phone, and I can share some of those initiatives with you. I am sure you would benefit. Those are the good applications, Mr. Speaker, in terms of cyberspace. And then, of course, there is entertainment. This is where we fall into a bit of a grey area, because there might be wholesome entertainment, there are electronic games which many of our citizens play. I understand one or two Members of Parliament as well would engage in—the Member for Oropouche West is not looking up at all. *[Laughter]* Electronic—that is the good side. There is the wholesome with regard to—*[Crosstalk]* there is another one, in terms of the entertainment spectrum utilizing cyberspace, there are those games. There are movies as well.

There is music and sharing of some of those things. I think the Member for Diego Martin North/East mentioned some of that. Again, you are getting into the grey area with YouTube and uncertain sources, lack of certificate sometimes for

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some of these applications, and persons might be finding themselves in violation, innocently, with no mal-intent, but they do a deliberate action which has an unforeseen consequence in the law, and we need to be very circumspect in that regard.

So those are some of the good uses and, Mr. Speaker, the bad uses are now notorious because we see them in the newspapers, we read about them on the same Internet and Members have spoken about them. Internet fraud, and some countries keep popping up like Nigeria, India and Uganda. I do not know, like they have industries there for Internet fraud. Cyberspace is also used for seduction and ambush. We have lost citizens in this country because of that. So I am not treating this Bill in a cavalier fashion at all. This is important stuff. Persons being lured by use of Internet and then ambushed, killed, raped, I mean, horrible stuff—these things do happen.

There is illicit data harvesting and sometimes selling of data, Mr. Speaker, that must be serious. And I have not heard sufficient mention of the corporate application of some of this misuse of cyberspace, because there is now corporate espionage, where a private sector entity might wish to do harm to another. I am not just referring to a political entity, but an entity of commerce or a business might wish to do harm to a competitor. Cyberspace is now an environment for that kind of warfare.

So, it is relevant to us, it is relevant to the country, it is relevant to the Parliament and it is relevant to this Opposition Bench. That is why we have put some of this effort into this particular Bill. So, sometimes there is harvesting and even selling of data information via cyberspace, theft of ID, credit card theft, fraud, account access and other types of white-collar crime. And then there is the harassment, the thuggery, the intimidation, blackmail, all of those things occur via cyberspace.

Mr. Speaker, the last misapplication I would want to just touch on, in passing, is the possible association with terrorism, hooliganism, the use of cyberspace to cripple systems, and well, our Parliament is now largely paperless. I am certain there is going to be some young or not-so-young kid out there, in this country or another one, that might one day wish to harm our systems and in some way cripple the Parliament, you know. To address some of that we need to ensure we stay as relevant to the citizens' needs as possible. So that should create a sense of alarm in the society that anyone would wish to harm the Parliament in that way. But there are misapplications in terms of trying to cripple systems, whether it is security

systems, intelligence systems or even political systems. So, Mr. Speaker, those are the evil uses of cyberspace.

**Dr. Rambachan:** Should all schools be connected?

**Dr. A. Browne:** Mr. Speaker, again, now the Member for Tabaquite, Mr. Speaker, why is he doing this? There is a respectful manner in which to interject in keeping with the standard, and the Member has enough experience to know that, in terms of asking a Member to give way, but he prefers to sit there, in a lazy fashion—well I have gotten your question, should all schools be connected? I know I have a strong resemblance to the Member for Caroni East, the Minister of Education, but I would suggest you direct your question to the Minister of Education, [*Desk thumping*] who is paid by the taxpayer to set education policy, Mr. Speaker.

That is why I asked the question earlier with regard to the video cameras; I asked a question with regards to video cameras earlier under Questions to Ministers, with regard to what is the Ministry of Education's policy governing the use of these video cameras? Should schools be connected? What kind of question is that, Mr. Speaker—connected to what? What is the question? It is an empty question, and I am not going to delay myself dealing with such empty questions. A more sensible question, and I do not know why I am entertaining him.

**Dr. Rambachan:** Are you still against computer for children in school?

**Dr. A. Browne:** Am I still against?

**Dr. Rambachan:** Yes, computers for children in school.

**Dr. A. Browne:** Mr. Speaker, I really have had enough of this.

**Mr. Speaker:** Let us not get involved in crosstalk, please, and allow the Member to speak in silence. Continue, hon. Member.

**Dr. A. Browne:** “Ohh, boy,” hooliganism. Anyway, I just promised the Member for Moruga/Tableland to come around and deal with another matter that he raised and I really would not delay the House much further, and that had to do with his references to the Children Act. Given this Government's lack of care and attention to the issue of the safety and welfare of the nation's children, I would really hesitate if I were a Member on that side to make such references because it really opens the door to a bit of a hiding which will be well deserved.

Mr. Speaker, the Member for Moruga/Tableland [*Crosstalk*—do not take it personally, do not take it personally, it is not personal, and you know it is the truth.

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He knows it is the truth, Mr. Speaker, yes, he knows it. I was astounded by those quotations from the Children Act because the last administration—I would just want to state it for the record—reviewed all of the legislation regarding the protection and welfare of children. A mammoth task which was undertaken by the Member for Arouca/Maloney, myself and good servants in the public service. Good people.

**Mr. Deyalsingh:** PNM people?

**Dr. A. Browne:** No, not PNM people at all. I am not going to agree with that quasi leader on the other side. No, no, no, not the PNM or the UNC public servants—good public servants working day and night, sometimes till one in the morning and later.

**Mr. De Coteau:** And you are still working hard.

**Dr. A. Browne:** Yes, to review this entire package of legislation which was prepared—I mean, I never really made those references, but the truth is the truth—in a bit of a slapdash fashion by a prior, prior administration—reviewed to the letter, to the word, to the clause, to the section, brought all of those Bills to Parliament, concerned about the safety and protection of children—and, I am going to link it. The International Child Abduction Bill, reviewed in detail, and this is just in a two and half—a micro-administration. They have had almost two of those already, double that time, short period of time. And that is why when people make reference to Members on the bench and say, “they are green, go easy on them”, they have been in Parliament for four years. *[Interruption]* Sorry? Yes, they have been in Parliament for four years. I was a Minister for two and a half—they are not green, they are ripe, they are seasoned and well, they will be harvested in the next election. *[Laughter]* *[Desk thumping]* *[Crosstalk]* Anyway, calm down, calm down.

Mr. Speaker, the International Child Abduction Bill, short space of time, brought to Parliament, unanimously passed. Obviously it was a very convincing presentation. The Children’s Community Residences, Foster Homes and Nurseries (Amdt.) Bill, reviewed in detail, meticulously, brought to Parliament, unanimously passed, another tick, very important. The Children’s Authority Bill, same process, in detail, larger Bill, brought to Parliament, unanimously passed, excellent. The Children Bill, reviewed in detail, the largest piece of the bundle, the most complex. We had some assistance from the Member for Diego Martin North/East as well, from outside of the social sector, brought to Parliament—*[Interruption]*

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin Central has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Miss M. Mc Donald*]

*Question put and agreed to.*

**Dr. A. Browne:** Thank you, Mr. Speaker, and the Children Bill which again, reviewed in detail, brought to the House, piloted, debated, sent to a select committee of the Lower House based on some representations made opposite, they said the penalties were too harsh, et cetera, et cetera. The election was called, they eventually brought it back; I believe it was the now dismissed, not the recently dismissed, the former dismissed Minister—responsible for the care of children, Verna St. Rose Greaves—she brought it back to Parliament, unanimously passed, supported. And in that committee, again, I want to acknowledge the extensive role of the Member for Diego Martin North/East. I think he likes to hear these things, but again it is the truth. Who does not like to hear the truth? [*Crosstalk*] Nonsense.

Mr. Speaker, the whole purpose of those efforts—that was part of the then policy, to get the protection of children right; it starts with the right laws which we put in place. It then moves to the appointment of a board, carefully selected board, for the children's authority, again, to respond to the issues triggered by the Member for Moruga/Tableland. That was put in place, properly done, headquarters acquired, procured, that was done. Many of the board members were even retained after the election and that showed that the other side recognized that due process was taken and that the right steps were made.

And then what? We fell into a period, I would say almost three years, the Member for Moruga/Tableland is alert now, because he knows he has been making some recent efforts almost three years of, “wonderland”, where very little attention and resources were paid.

So, by now, Mr. Speaker, after four plus one, plus one and a half years since these Bills were brought and passed by all of us, we should have been much further along in this process, and much, much further along. And therefore when that child—and you talk about bullying and neglect of children and so on, and babies even, sometimes are victims of these horrific acts, and when that child, a son of a national hero, national footballer, he came to an untimely end recently, and I am hoping there would be a proper investigation in such matters. Every time a child dies of unnatural causes a process should be triggered. In any case, when that happened, it is reputed, alleged to have occurred at a nursery.

Mr. Speaker, by now, 2014, every single nursery in Trinidad and Tobago should have been licensed and registered by now. And, Mr. Speaker, the hindsight is 20/20. I can stand here and say all manner of things, but one thing I can

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guarantee you, if the efforts that were being made before were continued even at half strength, those things would have been put in place. I can tell you that because I know what was going on.

And I would extend it even further, wider into the social sector in dealing with some of the social issues the Member for Moruga/Tableland triggered. There was a policy decision for decentralization of the entire social sector. This Government thinks decentralization is just moving things from Port of Spain to wherever, Chaguanas or somewhere, just moving a building. That is not decentralization, at least not the way we interpreted it in the social sector. It meant, ultimately, bringing social workers and caregivers to every single neighbourhood in Trinidad and Tobago. That was the philosophy, that was the approach and that began.

The pilot project started in the Sangre Grande area based on research, based on the social sector research that told us where these problems were most acute. All of that was interrupted. So we went from a policy position where we would have had a social worker in every neighbourhood in this country to—a Minister, devouring the social sector, deciding we would not have a social worker in every neighbourhood we would have the Minister in every living room, on every television set. And that is exactly what we got, Mr. Speaker.

**7.20 p.m.**

That is exactly what we got, and all of those efforts, all of that energy was derailed. Where are we now? Look at the education sector with regard to guidance counsellors, school psychologists, school social workers. And they want to stand here and talk about bullying in schools and reading out a list of measures. Mr. Speaker, these measures are null and void if you do not have the personnel in place. Null and void, if you do not have trained personnel, caring personnel and systems.

What has happened in the interim? I can tell you, as a Member of Parliament. I cannot, with regard to the schools in my constituency, some of which are under assault from a range of issues, including crime and, you know, juvenile—

**Hon. Member:** Delinquency.

**Dr. A. Browne:** Not juvenile UNC, juvenile delinquency—under assault from these issues. With the tremendous weakness in the education sector with regard to addressing these social concerns in school, I have had to encourage and empower a number of young people—some of whom returned from abroad—and find ways to motivate them and resource them, with very little, to go into the schools, build relationships with the principals and find ways to address some of those issues



among the students and their parents. And that has been happening. I would hope—let me assume there are other Members of Parliament doing exactly the same because the state sector is not pulling its weight in this regard.

So if you are talking about bullying of our children and all of those manifestations of decay, then it takes effort, it takes strategy, it takes planning, it takes commitment and it takes some degree of continuity with regard to systems that were working and were intended to bring results to our citizens. What has happened has not worked at all. And, again, I try to be a fair person and I want to come back to the Member for Moruga/Tableland. He has been having some communication with me in this regard and I have formed the impression—I could be wrong; I have been wrong about them before. I have formed the impression, though, that the Minister has been putting some more effort than some of his predecessors in this regard. I formed that impression. So I just want to leave him with that, to lower his blood pressure a little bit. *[Interruption]*

The Member for Tobago East, I will be giving you your salutations on a different occasion, whether or not you would enjoy that. But it is coming.

Mr. Speaker, again, I do not want to take up my full time. So with regard to the education sector, some of those lofty pronouncements on the other side, really, would be empty if we continue to have this deficit with regard to the school social workers, the guidance counsellors, child psychologists and so on, whether within the education sector or working with that sector and with the Ministry of Education. Mr. Speaker, then I spoke also about the social sector.

So, Mr. Speaker, on the issue of what is relevant to citizens, what are the priorities of our citizens today? I do not know if the Government could answer that.

**Dr. Rambachan:** Yes.

**Dr. A. Browne:** What?

**Dr. Rambachan:** Prosperity.

**Dr. A. Browne:** Mr. Speaker, he is engaging me in crosstalk. *[Laughter]* Mr. Speaker—

**Dr. Moonilal:** Do not be distracted.

**Dr. A. Browne:** Exactly.

**Mr. Deyalsingh:** By Tabaquite.

**Dr. A. Browne:** Mr. Speaker, those priorities are—somebody has to deal with violent crime in this country. At this stage it is not being done.

**Mr. Peters:** That is what we do.

**Dr. A. Browne:** Let us be honest, it is not being done. There are many citizens who remain convinced—and I believe with good reason—that there is a nexus with the drug trade, the cocaine trade. That is even connected to cybercrime as well because these people have to launder their money and operate in many ways. There is a nexus there, and any Government that is going to come to grips with violent crime and its reduction has to come to grips with that trade.

This Government has been, at best, unconvincing; at worst, totally negligent—criminally negligent—in this regard. With regard to some of the systems that they met in place, this Minister has been doing acrobatics to try to justify, while reacquiring—trying to reacquire—the same systems they dismantled and dismissed, and it has been very interesting to observe him in that regard. But those are views that many citizens hold very clearly.

The health care situation is another priority. This Bill does not really address that. High levels of corruption is another priority. This Bill, to some extent, does address that. So I am just checking the relevance. Discrimination in employment and so on, this Bill does not really address that. In fact, in some ways it might open the door, with some of the looseness we have. But I would say, somewhere in that hierarchy, cybercrime is a concern for many citizens.

Many parents—I mean, you see mothers taking all sorts of extreme action because of the concerns about abuse of the Internet and Facebook and so on, sometimes by their children, sometimes by others. There is that sense of out of control, generally, in society and that applies to the use of Facebook and the Internet, to some extent. So our citizens and families are concerned. It may not be their number one priority, it is a priority. I would say that it is also a priority for us, as responsible Members of the House.

It is certainly something that I see as important, but I think there has been sufficient demonstration by the contributions on this side of the House, and some of my erstwhile colleagues, that this Bill needs some further surgery. It needs a bit of chemotherapy, Mr. Speaker, if it is to be effective in addressing the problem that it is meant to address. It needs some surgery and a bit of chemotherapy.

My advice to the hon. Minister, let us get some further expertise, some further attention, some more caring minds engaged on getting these clauses right, getting

these two laws right in the best interest of our citizens. And when I talk about expertise and caring, I hope I am describing the Members of this honourable House, hon. Members of Parliament. I want good cybercrime legislation.

**Mr. Imbert:** “Dey doh want dat.”

**Dr. A. Browne:** This is not that. What I do not want is unworkable law and there are aspects of these Bills that are unworkable. I want to thank the Minister for the efforts that he has made, and I want to tell him, “Minister, you still need some help and we are here in a position to provide exactly that”. Mr. Speaker, I recommend that this Bill should go, at minimum, to a select committee for further surgery and chemotherapy.

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

**Mr. Speaker:** Before I call on the hon. Minister of National Security, there is a procedural Motion that we have to engage in and I want to call on the hon. Leader of the House.

#### PROCEDURAL MOTION

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that the House continue to sit to engage in the debate on the Bills before us on cybercrime and the establishment of a cyber agency; to begin debate on the Prisons Act, the Criminal Offences Act and the Mental Health Act; and to begin debate and complete debate on the Bills relating to pension arrangements for judges, and pension and retiring allowances for members of the Legislature.

I beg to move.

*Question put and agreed to.*

#### CYBERCRIME BILL, 2014

**The Minister of National Security (Sen. The Hon. Gary Griffith):** Thank you, Mr. Speaker. Mr. Speaker, we have heard quite a bit as it pertains to these two Bills. Firstly, I just want to get into the concerns pertaining to if we actually have a policy, if there is actually an objective. We most certainly do. Through the National Cyber Security Strategy, the strategy seeks to guide all operations and initiatives related to cyber security in Trinidad and Tobago. It is based on the Government’s *Medium-Term Policy Framework*—which I actually stated—in 2011/2014, which actually underscores the role of ICT in advancing national development. There are several objectives: to create a secure digital environment that will enable all users

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to enjoy the full benefits of the Internet; provide a governance framework for all cyber security matters; to protect the physical, virtual and intellectual assets of citizens, organizations and the State through the development of an effective mechanism that addresses and responds to cyber threats, regardless of the origin.

I could go on about preventing cyber attacks against critical infrastructure. In fact, when we actually spoke about the concerns of critical infrastructure—again, the critical infrastructure, that is defined in clause 11 as any computer system, device, network, computer programme or computer data so vital to the State that the incapacity or destruction of it, or interference with such a system, would have an impact on the security, the defence or international relations of the State.

Mr. Speaker, again, I wish to state that we keep hearing—I heard a lot of concerns about the intention and the access, but that is just what it is. It is the intention which will decide the crime. I listened to the Member for Diego Martin North/East and he spoke about the difference with the breach of contract and a civil offence. But that is just it. You can commit that breach of contract, but if through the breach of contract you then move into a cybercrime situation, that becomes a major criminal offence.

So for example, you can intercept—you can be involved in having access to someone else's password, and then that becomes just a civil offence, but then after you use it towards child pornography, that is where the difference lies. So it is not about just breaching the contract and then state, well, "How can it just automatically become a major criminal offence?" And actually dealing with the child pornography, as I mentioned, there was a reason why it was removed. The child pornography has actually been proposed to be removed from the Bill as a result of further discussions with our colleagues, with a mandate for protecting our children, and it was determined that child pornography would be best dealt with under the Children Act.

Mr. Speaker, also, this was not drafted through just whim and fancy. The drafting in this legislation was a comprehensive review exercise which was undertaken, and it included a review of various pieces of legislation, and included in that list, we can look at the Commonwealth Model Law, the Budapest Convention of Cybercrime, the International Telecommunication Union, legislation from jurisdictions including the United States, the Philippines, Jamaica and the Netherlands. They were all reviewed.

I also heard the Member for Diego Martin North/East speak about the concern of the—[*Interruption*] He mentioned the concern—

**Mr. Imbert:** “I always right”—

**Sen. The Hon. G. Griffith:**—pertaining to clause 13. And, again, going back to the situation—and if it is that you stated that the Computer Misuse Act, that this was something that was flawed, but if it was flawed for nine years, and you did state that it was something that made absolutely no sense, so for nine years you are aware that something made absolutely no sense and you never touched it.

But, again, Mr. Speaker, the fact of the matter is that we did a lot of research. Also comparative law analysis was conducted by legal subcommittees of the inter-ministerial committee for cyber security, and we looked at the following pieces of legislation: the Children Act; the Anti-Terrorism Act; Interception of Communications Act and the Evidence Act, just to name a few.

Mr. Speaker, I also heard some concerns about this emailgate. I really think we need to think out of the box. Everything is emailgate, videogate. Oh gosh, we need to be a little more professional. Everything is a “gate” now. How many gates do we want in this country? Let us be a little more imaginative.

But we are speaking about emailgate. Mr. Speaker, the emailgate, or whatever we want to call it, cannot be put into this concept of the Cybercrime Bill, and there is a reason for this. For the Cybercrime Bill to take place, there must be cybercrime. You cannot have cybercrime if someone takes a typewriter and types documents of something and then calls it email. And there is a reason I could say that, because going back to those things in the so-called emailgate, it actually had me making statements and the Greenwich Mean Time had me in seven different countries at the same time, which is pretty impossible. Unless Spock from the Starship Enterprise actually beamed me to Australia, London and Brazil within the same day, it was actually impossible.

And, again, I want to go back to that so-called emailgate, when my phones were handed over to the police. If at any time anything remotely close to that would have been discovered, by now I would no longer be here, and there is a reason for this. Because the same cybercrime unit from the Trinidad and Tobago Police Service can extract information from your cell phone, and it is not that this can be deleted. All information, it is in cyber, it cannot be removed whether it is received, deleted, archived, stored or whatever. It was never there. So if something was never there it could not be found.

**7.35 p.m.**

So the emailgate situation, Mr. Speaker, has absolutely nothing to do with the Cybercrime Bill because the Cybercrime Bill has to be something that was in a

computer and if it was never there, well then it cannot be used.

Mr. Speaker, as for cyber bullying, again, I wish to clarify if an incident of cyber bullying were to occur, once you report that to the Trinidad and Tobago Police Service, the agency is a coordinating body that we spoke about for cyber security and the police service will still have that remit over the cybercrimes. As such, any crime committed under the Cybercrime Bill, one will have to report that to the Trinidad and Tobago Police Service.

Whilst on the topic of the agency, let me assure all that the Ministry of National Security has engaged international assistance in the provision of job descriptions, qualifications and experience of members of the board. In light of the concerns raised by my colleagues, however, it has been duly noted and we will seek to amend the Cyber Security Agency Bill to ensure that the President and not the Minister selects the board members.

Mr. Speaker, I just also wish to state that we are here not to be in power as a Government. We are here to govern and this has to do with governance, not being in power, and governance actually involves the concept of actually listening and taking advice, and with this we are very open to—we have heard some of the concerns and, again, it is important that we can discuss this Bill and actually see what it is that needs to be done. But rather than just throw the baby out with the bathwater and say that this Bill is not important, it is critical from looking at the illegal access to computer systems, illegally remaining on a computer system, illegal interception, illegal data interference, illegal system interference, computer-related forgery, computer-related fraud, identity theft, identity-related offences, multiple electronic mail messages. Mr. Speaker, this is something that is very critical. I do not think anyone here can actually question the fact that this is not important and it is something that is urgently required.

The policy position of the Government as it relates to cyber security is to create a secure and resilient environment based on collaboration among all key stakeholders, which allows for the exploitation of information and communication technology for the protection of Trinidad and Tobago's national assets and interests, and this position again, I say, stems from the Government's medium-term policy framework. Again, most of the things I have listened to, it has been quite constructive except for the part where the Member of Parliament for St. Joseph, he was quoted:

I also want the members of the public to pay particular attention to the 17 new offences because these 17 new offences will make it very difficult for the PNM public service...

I wish to categorically state, Mr. Speaker, that we do not have a PNM public service. So I just wish to take that back. I think it is very unfortunate to label members of the public service as the PNM public service, which was actually stated and quoted by the Member of Parliament for St. Joseph. [*Crosstalk*]

Mr. Speaker, as sure as I am that England would win the World Cup, thanks to Rooney power, I am also sure that the Opposition would support this Bill and they will do what is required. A little bit of tweaking, dotting the i's, crossing the t's, we would get it right.

#### ARRANGEMENT OF BUSINESS

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you. Mr. Speaker, clearly our Minister is getting carried away with England there, but we do support England. We do support England as well. Mr. Speaker, I beg to move that in accordance with Standing Order 37(3), that debate on the Cybercrime Bill, 2014 and the Trinidad and Tobago Cyber Security Agency Bill, 2014 be adjourned to another date.

*Agreed to.*

#### MISCELLANEOUS PROVISIONS (PRISONS) BILL, 2014

*Order for second reading read.*

**The Minister of Justice (Sen. The Hon. Emmanuel George):** Thank you very much, Mr. Speaker. Mr. Speaker, I beg to move:

That a Bill to amend the Prisons Act, Chap. 13:01, the Criminal Offences Act, Chap. 11:01 and the Mental Health Act, Chap. 28:02, be now read a second time.

Mr. Speaker, thank you very much for giving me the opportunity to speak in this august House on this Miscellaneous Provisions (Prisons) Bill, 2014, and because I know sometimes when you are having fun, time flies and I fear I may not be able to conclude all that I want to say, let me try to summarize so that I cover all of the areas that this Miscellaneous Provisions (Prisons) Bill is intended to address.

Mr. Speaker, the first area that the Bill is intended to address is the creation of the inspectorate of prisons which would be a body corporate, managed full-time by the Chief Inspector of Prisons, assisted by a Deputy Chief Inspector of Prisons. Provisions governing this inspectorate of prisons would take the place of current provisions which provide for a single Inspector of Prisons who alone, hitherto, has been responsible for the inspection of prison facilities, providing reports thereon.

The functions of the inspectorate of prisons would include, inter alia, inspection of prisons and other similar facilities for detention of prisoners and the investigation of the treatment of prisoners; review of programmes, facilities, services and opportunities that are being made available at prisons and the investigation of complaints made by prisoners.

The second area that the Miscellaneous Provisions (Prisons) Bill, 2014 is to address, is the establishment of appeal tribunal to address appeals made by prisoners against decisions made by the prison disciplinary tribunal. At present, Mr. Speaker, appeals by prisoners are addressed by the Inspector of Prisons, who is also saddled with other responsibilities associated with his functions as Inspector of Prisons. In comparison, the proposed new appeal tribunal will consist of one or more than one person who would sit as a tribunal. A person appointed to sit as an appeal tribunal will be able to act independently and will not be saddled with any other consideration associated with his role and function within the prison system. In a manner of speaking, we have a sort of division of labour, Mr. Speaker, which will make the system more effective and efficient.

The third area that the Miscellaneous Provisions (Prisons) Bill will address is to increase fines and periods of imprisonment for offences under the Prisons Act, Chap. 13:01 and the Criminal Offences Act, Chap. 11:01 for criminal offences connected with prisoners and the prisons' environment, and I will want to just give an indication of what those penalties would be like.

- For landing on Carrera without authority, the current penalty and fine for that is \$200 and imprisonment for three months. The proposed fine and penalty is \$5,000 fine and nine months' imprisonment.
- Aiding escape of a prisoner, the current fine is \$400. There is no associated imprisonment. The new proposed penalty will be a fine of \$30,000 and imprisonment for seven years. In fact, where this offence is committed by a prison officer or a member of the defence force or a police officer, the fine will be \$50,000 and 10 years' imprisonment.
- For the offence of assaulting or obstructing or resisting a prison officer, the current penalty is a fine of \$1,000 and imprisonment for six months. The proposed penalty is a \$15,000 fine and two years' imprisonment.
- For interfering with a prisoner, the current fine is \$200. The proposed penalty would be a fine of \$10,000 and imprisonment for one year.
- For assaulting or obstructing the Chief Inspector, Deputy Chief Inspector,



agent, employee or a member of the inspectorate of prisons, the current penalty is a fine of \$1,000 and imprisonment for six months. The proposed penalty is a fine of \$15,000 and imprisonment for two years.

Mr. Speaker, in respect of the fourth area that this Miscellaneous Provisions (Prisons) Bill is to address, the Bill seeks to provide amendments to the Mental Health Act, Chap. 28:02, and this is consequent upon the transfer of responsibility from the prison service, from the Ministry of National Security to the Ministry of Justice. So that wherever in the Mental Health Act any reference is made to the Minister of National Security, the reference will now be changed to read, the Minister with responsibility for the prisons.

Finally, Mr. Speaker, clauses 4 and 11 of the Bill which concern the establishment of the Inspectorate of Prisons, it is proposed that those clauses 4 and 11 will be proclaimed on such a date as fixed by the President. And, Mr. Speaker, this is to allow necessary human resources and infrastructure necessary to make the inspectorate of prisons functional or operational, will first have to be put into place. So, I tried there, Mr. Speaker, to give a summary of what the Bill proposes to do.

Mr. Speaker, this Bill is one further element in the Government's continued thrust towards the modernization of the criminal justice system, and more particularly transformation of the current penal system to bring it on par with contemporary international norms and best practices. The intention is to develop a system that provides an environment in which prisoners have a real opportunity to turn their lives around, thereby reducing the revolving door syndrome.

So, that the Bill addresses as its primary purpose, amending the Prisons Act, Chap. 13:01 to introduce the platform for certain new administrative regimes. In that regard, the Ministry of Justice has been engaging in the formulation of the new Prison Rules which are soon to be tabled in Parliament. And, Mr. Speaker, when I spoke in the Parliament, in the other place, on January 21, I think, I did mention on the *Hansard* record my indication then the Prison Rules were completed and that all that remained to be done was for this particular debate on the Miscellaneous Provisions (Prisons) Bill to take place and then those Prison Rules could be laid because for the Prison Rules to be effective, to have the power of law, it will be based on the legislation that we are going to debate today.

Those new Prison Rules, Mr. Speaker, provide for the introduction of revolutionary approaches to the overall administration of the prison environment. And as I indicated, for that to have legal foundation, they first need to have this particular debate on the Miscellaneous Provisions (Prisons) Bill completed and the

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Bill agreed to by this Parliament before those Prison Rules could be laid.

**7.50 p.m.**

The Bill, as indicated earlier on, also provides for increases in fines and periods of imprisonment for offences under the Prisons Act and the Criminal Offences Act, Chap. 11:01, for criminal offences connected with prisoners and with the prison environment. As indicated also, the Mental Health Act amendments would have to be made to that Act as a result of the change in the assignment of responsibility for prisons from the Minister of National Security. So, Mr. Speaker, I now want to analyze the Bill, clause by clause.

As indicated in the Bill, clause 1 would provide for the short title of the Bill.

Clause 2 would provide for the commencement provisions, prescribing that sections 4 and 11 of the Act shall come into operation on such a day as is fixed by the President by proclamation. The purpose of this proclamation provision will be made even clearer as I go through my presentation.

Clause 3 of the Bill would provide for any reference made to “the Act” will be references to the Prisons Act.

Clause 4 of the Bill would provide for amendments to section 2 of the Prisons Act which is the definitions section. And so, we will have, for example, the definition of “former Inspector” and “Inspector” will be deleted because now we will have the inspectorate of prisons. This entity—that is, the inspectorate of prisons—will be responsible for much of what the current Inspector of Prisons is responsible, and the intention is that the office of Inspector of Prisons would no longer exist and hence there will be a requirement to eliminate any references to that office in the new legislation.

Clause 4 amends section 2 of the Prisons Act to introduce several definitions. The first, of course, would be the definition of “Chief Inspector of Prisons”. It will also define the “Commissioner of Prisons”, the “Deputy Chief Inspector of Prisons”, “Industrial Institution”, “Prison Commissioner”, “prison officer”, “service provider”, “young offender”. All of these are definitions that would be included in the new clause 4. These definitions, Mr. Speaker, are necessary in order to facilitate ready and consistent interpretation of the new provisions that are to be inserted in the Prisons Act.

Clause 5 of the Bill will amend section 9 of the Act to increase the penalty on summary conviction for landing or attempting to land on the island of Carrera without the authority of the Minister, the Commissioner of Prisons or officer in

charge, and it will increase the penalty from a fine of \$200 or imprisonment for three months to a fine \$10,000 and imprisonment for one year.

Clause 6 of the Bill will seek to repeal section 10 of the Prisons Act and substitute it with a new section 10 which will treat with the offence of aiding an escape. Accordingly, it will be provided that on summary conviction for aiding the escape of a prisoner from a prison or from the custody of any person in charge of such a prisoner, for that person who committed the offence to be liable to a fine of \$30,000 and imprisonment for seven years. This increases the penalty for the offence from a mere fine of \$400 previously.

In addition, clause 6 would provide for elevated penalties on summary conviction regarding persons who are prison officers, police officers or members of the Trinidad and Tobago Defence Force, where such persons who are charged with a higher moral responsibility and in whom higher expectation rests, when they are convicted summarily for aiding an escape, they will be subjected to a fine of \$50,000 and imprisonment for 10 years. Clause 6 will also provide that nothing in section 10 will affect the powers of the High Court on indictment for a similar offence under the Criminal Offences Act.

Clause 7 of the Bill will amend section 11 of the Prisons Act to increase the penalty on summary conviction for assaulting, obstructing or resisting any prison officer. The penalty will be increased from a fine of \$1,000 or imprisonment for six months to a fine of \$15,000 and imprisonment for two years. May I mention that the prison officers and the Prison Officers' Association have been indicating that their physical safety has been under threat, and they were of the view that there must be some significant penalty to threats made on their physical safety, and so the Government is moving to address that particular concern of the prison officers and the Prison Officers' Association.

Clause 8 of the Bill will amend section 12 of the Prisons Act to increase the penalty on summary conviction for interfering with a prisoner from a fine of \$200 to a fine of \$10,000 and imprisonment for one year.

It is necessary to note that the increases in penalties provided for in clauses 5, 6, 7 and 8 are intended to be consistent with increases in penalties provided for in the Prisons (Amdt.) Act of 2010, that is Act No. 3 of 2010. That 2010 Act amended section 8 of the Prisons Act to increase the penalties where a person brings or carries out, or endeavours to bring or carry in or out, or knowingly allows to be brought into or carry out of any prison, any prohibited article. It also increased the penalties for the contravention of any rules made under section 17 of the Prisons Act. At the time that the increases were made in 2010, commensurate increases

were not made with regard to other offences under the Prisons Act, and this incongruity is what we are trying to address in this clause 8.

Clause 9 of the Bill amends section 13 of the Prisons Act by inserting before the word “officer”, the word “prison”, and so at clause 10 too you will have paragraphs (o) to (r) of section 17(1) of the Prisons Act, we will have that amended to insert before the word “officer”, the word “prison”. So we are clarifying, making it clear exactly what we are referring to when we speak about the prison officers.

There will be a new section 19 in the Act which will provide for the establishment of the body corporate to be known as the inspectorate of prisons. Mr. Speaker, this body is patterned on the UK model and will take the place, as I indicated, of the Inspector of Prisons and what you want here to have is a well-structured and well-manned entity that would be an operationally autonomous office, independent of both the Trinidad and Tobago Prison Service as well as the Ministry of Justice.

Mr. Speaker, this is in keeping with what is normally done in respect of, with the effluxion of time with arrangements with respect to the public service or any other body that exercises public functions. It has been my experience as a former public servant that time catches up with the work of a lot of the agencies—in fact, all of the agencies that operate under Government. It has been my experience, for example, and I could give some examples.

When I was in the Ministry of Labour and Small and Micro Enterprise Development around 2006/2007, the conciliation division which was responsible for addressing matters of industrial peace and breakdown of negotiations between employer and union and so on, the same exact structure that was put into place when the conciliation unit was first born in 1948, it was the same exact structure that existed in 2006/2007. The head of conciliation, two deputies and four “twos” and “ones” below and it took us until 2006/2007 to get that change to get some more people brought in.

There was also a situation regarding the Factory Inspectorate when I was Minister of Public Utilities where the same exact thing was happening that day. The Factory Inspectorate, which was established with the same number of personnel in 1948, the same number of people were there in 2010. But, in both cases, just look at how our country had expanded in terms of our unionization and also—that is in the case of the conciliation unit at the Ministry of Labour and Small and Micro Enterprise Development—and in terms of how you have expanded, both in terms of the number of homes you have constructed in the country from 1948 to 2006, and then in 2010 in the case of the Electrical Inspectorate. The same number

were there to deal with a vastly different scenario. So the same number of people was there to do all of the inspection of all of these buildings and industrial complexes and so on.

So that this area here where we are, the prisons, we think, have outgrown the ability of the one-man Inspector of Prisons to address all of the issues that now are to be addressed in the prisons, because from the sheer numbers of prisoners, it is extremely difficult for him to carry out all of his responsibilities. So we are addressing this particular matter by establishing an inspectorate of prisons with a chief inspector, a deputy chief inspector and the necessary support personnel that will enable him to carry out his functions much more effectively and efficiently. The inspectorate will be a well-structured and well-manned entity that would be an operationally autonomous office, independent of both the Trinidad and Tobago Prison Service as well as the Ministry of Justice although it will be provided financial support under the Ministry of Justice.

The new section 20 will provide for the appointment of the chief inspector and deputy chief inspector of prisons who are to be appointed by the Minister. These persons shall be appointed on a full-time basis for a period not exceeding three years and shall be eligible for reappointment. Section 20 will go further to provide for other administrative measures, Mr. Speaker, associated with the appointment, remuneration, resignation and removal of the chief inspector and the deputy chief inspector of prisons.

Then, the new section 21, treats with the appointment of officers and other staff of the inspectorate by the chief inspector of prisons and prescribes general administrative guidelines for their qualifications, period of appointment, powers and remuneration. Of particular significance in this area is the fact that the chief inspector of prisons may appoint one or more persons with legal, medical or penological training as an assistant to assist him in the performance of his functions and duties. The ability to appoint these assistants allows the chief inspector the opportunity, where deemed necessary, to acquire and utilize the training and experience of such individuals to assist and guide him in carrying out his overall mandate.

There is a new section 22 that will codify the functions of the inspectorate which will be quite wide and would include the responsibility to inspect and report on the conditions in prisons, industrial institutions, any area in a police station or court building where a person is detained and any other place where a person is detained.

**8.05 p.m.**

The inspectorate will also be tasked with the responsibility to investigate and report on, among other things, the treatment of prisoners, programmes, facilities, services and opportunities available to the prisoners, that will help in their rehabilitation, in particular of young offenders and will also address prisoner complaints.

The new section 23, will provide for the powers of the inspectorate, accordingly in carrying out the functions of the inspectorate. The Chief Inspector of Prisons, the Deputy Chief Inspector of Prisons, or an assistant, will have the power to at any time, enter any prison or industrial institution or any part of a prison, or industrial institution, and shall at any reasonable time have access to any area in a police station or a court building, or any other place where a person is detained, and shall have access to, and may take copies of any document, photograph or other records, electronic or otherwise, relating to a prison, industrial institution, prisoner or young offender.

The next section, section 24, will give the Chief Inspector no later than March 31 of every year, or such later date as may be determined by the Minister, to submit a written report on the performance of the inspectorate during the preceding year. And he may, of course, report on other matters as the Minister may direct. Included in that report must be matters involving—reporting on matters involving—the general management and efficiency of the prison, or of any industrial institution, the condition and general health and welfare of prisoners or young offenders, the general conduct and effectiveness of prison officers and service providers. It will deal with compliance with the Prison Rules, or any other written law relating to prisoners or young offenders, and any other national and international standards relating to prisons.

The Minister, of course, will be required, Mr. Speaker, to cause a copy of the report to be laid in Parliament, but he will have power to omit any part that he may consider disclosing material which may be prejudicial to security or contrary to the public interest. But in doing so, the Minister will have to indicate that that segment of the report was left out.

In section 25, the offence will be created where a person assaults or obstructs the Chief Inspector of Prisons or the Deputy Chief Inspector of Prisons, or any one of the authorized persons, authorized by the Chief Inspector to execute certain duties under the Prisons Act or under the Prison Rules. On summary conviction, that person would be liable to a fine of \$15,000 and to imprisonment for two years.

Mr. Speaker, by creating this inspectorate, Trinidad and Tobago will not only be maintaining, but improving upon its current adherence to the United Nations Standard Minimum Rules for the treatment of prisoners. In that United Nations Standard Minimum Rules, it is provided that there should be regular inspections of penal institutions and services by qualified experienced inspectors appointed by a competent authority.

Mr. Speaker, the new section 26 will provide for the establishment of an appeal tribunal. Now, this, of course, will speak to the issue of the division of labour, between the inspectorate of prisons and this tribunal. So that the Minister would be empowered to appoint in writing one or more appeal tribunals, depending on the need, for the purpose of hearing appeals in disciplinary proceedings brought against prisoners.

Up until this time, all of these functions which have become very onerous, have been carried out by the single Inspector of Prisons. And, of course, as indicated earlier on, this is the reason why the Bill seeks to introduce the inspectorate of prisons, and it also now speaks to the introduction of what we call appeal tribunals, to hear these matters involving disciplinary proceedings against prisoners. So it is a separation of responsibility, a division of labour as I indicated earlier on.

Under the current regime, Mr. Speaker, the Inspector of Prisons, apart from treating with the general inspection and complaints of prisoners, also addresses disciplinary charges, and he might award a higher or more severe penalty, above the penalties that have been imposed by the Commissioner of Prisons. He was also empowered to hear appeals lodged by prisoners against disciplinary penalties imposed against them.

As indicated under the new Prison Rules, these powers have been removed from him, out of the need to ensure that the entity responsible for hearing and adjudicating upon appeals, is seen as independent, free from any prospect of apparent bias, and possesses no obligations whether personal or otherwise, that may hamper or appear to hamper his ability to be fair and impartial in what is effectively, Mr. Speaker, a quasi-judicial role.

With the removal of this appellate process under the proposed new rules, there will be a lacuna regarding the treatment of certain serious breaches of prison discipline, as well as the addressing of appeals. It is on this basis that the appeal tribunal has been conceptualized and introduced. By way of detail regarding the appeal tribunal, Mr. Speaker, the appeal tribunal shall have the power to hear and determine an appeal from a decision against a prisoner, in disciplinary proceedings

conducted by a prison commissioner, and such other matters as may be described by the rules made under the Prisons Act. This section will give the Minister the power to remove from office at any time, a person appointed to an appeal tribunal, for whether it be misbehaviour or whether in the opinion of the Minister, the person so appointed is no longer able to effectively perform the functions of the office.

Recall that I had indicated earlier on that this inspectorate of prisons will have to be staffed and accommodated and so on. Infrastructure will have to be put in place to ensure that it can operate. It is for this reason that measures are being proposed under clause 11, and under clause 2, for the issue of proclamation of these sections of the Act.

Clause 12 provides for an amendment to section 4 of the Criminal Offences Act which provides for, among other things, among other offences, the breaking out of prison, and the rescue of or aiding or assisting in the rescue of a prisoner. As indicated earlier, the penalty for this infraction will be increased from imprisonment for three years to a fine of \$100,000 and imprisonment for five years. This increase, Mr. Speaker, is commensurate with the other increases in penalties, for prison-related criminal offences that have been articulated earlier.

Also involved in the measures here today, in this Miscellaneous Provisions (Prisons) Bill, is where at clause 13, there will be the need to address the issue of amendments to the Mental Health Act. Mr. Speaker, in the Mental Health Act, there are several sections which speak to the responsibility of the Commissioner—sorry, a responsibility of the Minister of National Security.

Clause 13 of the Bill will provide for amendments to various sections of that Mental Health Act, Chap. 28:02, and these amendments have become necessary in light of the fact that prisons, and its associated responsibilities, no longer fall under the purview of the Minister of National Security. Accordingly, all references in various sections of the Mental Health Act to the Minister of National Security will be deleted, and replaced by the references to the Minister with responsibility for prisons.

So that, for example, Mr. Speaker, in section 6 of the Mental Health Act—sorry, section 14 of the Mental Health Act refers at 14(1) to:

“The Minister of National Security, on receipt of the medical certificates from two medical practitioners, one of whom shall be a psychiatrist, to the effect that the prisoner named in the certificate is suffering from mental illness, may by Order direct that the prisoner be transferred to a hospital and that he be kept



therein until the Psychiatric Hospital Director is satisfied that he is no longer in need of care and treatment in a hospital.”

As indicated, the responsibility for prisons now falls under the Minister of Justice. In the Act, the Act will cater for the responsibility for prisons, sorry, for this amendment to be, instead of the Minister of National Security, that the Minister with responsibility for prisons, will be named in section 14 of the Mental Health Act. There are several parts of that Mental Health Act—sections—that refer to the Minister of National Security, and all of these will have to be amended.

Mr. Speaker, I think I should take the opportunity lest I forget, to pay some compliments to several of the people both in the Ministry and outside, who were—and agencies that assisted in bringing this Miscellaneous Provisions (Prisons) Bill, and enabled us to lay it in the House today, or to have it—sorry, debated in the House today. And first of all, let me compliment the staff of my Ministry, and particularly the legal unit, because they put in yeoman service working on this particular piece of legislation.

I also want to—and as a former public servant, I always say this very, very proudly, because too many people tend to want to bash public servants. I very often hear, you know, comments being made concerning public servants and their work ethic, but I want to compliment the staff of the Ministry, and in particular as I said, the legal department.

I also want to thank the Chief Parliamentary Counsel, Mr. Ian Macintyre SC and his staff for the work that they did in going through this legislation in considerable detail. I think that we do not pay enough tribute to the work that the CPC does, in bringing all of the legislation that we have brought to this House. It is extremely difficult and hard work, and they are always working extra hours and being called to perform above and beyond. I want to take the opportunity to congratulate and to thank the CPC for his assistance with this particular piece of legislation and to his staff. [*Desk thumping*]

**8.20 p.m.**

I do not want to leave out the Commissioner of Prisons because his input and advice and the guidance of the Commissioner and his staff were invaluable in the construction of this legislation, because it is on the basis of his experience and the difficulties and challenges that he faces that he has made certain recommendations which are reflected in the contents of this particular piece of legislation. So I want to thank him and his staff very, very profusely.

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I want to also say a special thank you to the Inspector of Prisons, Mr. Daniel Khan, who brought to our attention several of the issues that he faced, as Inspector of Prisons, in undertaking his duties and his inputs, we are very, very grateful for.

Mr. Speaker, the Judiciary was also consulted on this matter, and I want to thank the Chief Justice and the Judiciary itself, for its very, very wise advice—yes, that too—their very, very wise advice, and we did consult with the agencies that are involved in the justice system, including the Judiciary, and I want to thank the Chief Justice for his letter and the attachments to his letter which provided guidance to the drafters and to the Ministry in designing this particular piece of legislation. I want to read into the record the letter written to me by the Chief Justice. It is dated March 10, 2014, and says:

Dear Minister

Re: the Miscellaneous Provisions (Prisons) Bill, 2013

I refer to your letter dated December 23, 2013, and apologize for the delay in responding. I have enclosed for your perusal the comments of the Judiciary of Trinidad and Tobago on the Miscellaneous Provisions (Prisons) Bill, 2013. If you have any questions regarding the Judiciary's comments, please do not hesitate to contact me to discuss same.

And appended to that letter were comments that were certainly a source of guidance to the legal people of the Ministry of Justice and to the CPC in the final determination of the contents of this legislation.

Let me also thank the Law Association because they, too, we did contact them and asked them for their views on the legislation and they, too, wrote in response and I want to quote just a segment of what their letter contains:

I am directed by the hon. President, Mr. Seenath Jairam SC, to advise you of the Law Association's position with regard to the creation of an Inspectorate of Prisons. I am to assure the hon. Minister of the association's commitment to providing assistance to the State in not only reforming the criminal justice system, but in any matters which engage the public interest. With regard to the creation of the inspectorate, the association fully agrees that this is correct and complies with modern international requirements.

That being said, the association is of the view that the Office of Inspector should be a full-time office.

And then it speaks to—oh, yes, they said:

By way of suggestion, we are aware that many prisoners feel a sense of grievance with regard to the present internal discipline system. To create further confidence, we suggest that a tribunal be set up along the lines as that in the Mental Health Act, and this means that a tribunal consisting of at least one sitting or a retired judge would hear disciplinary matters. It effectively closed the system's independence.

And it is signed by Mr. Ravi Rajcoomar, Senior member of the Law Association of Trinidad and Tobago.

So Mr. Speaker, the Ministry did consult with the players in the judicial system and we were able to get some buy-in, and so on, and advice. And that advice I want to go on record as saying to the House, and to the general population, that we appreciate the wise advice and counsel given by the Judiciary and the Law Association.

I also want, Mr. Speaker, to thank the Prison Officers' Association for their patience in waiting all of this time for these actions to take place, and these amendments to be made to the law. And we want to assure them that this Government will continue to take steps to improve the prison system and the overall criminal justice system in the country, and they can rest assured that we would work assiduously on these undertakings.

Mr. Speaker, I think I have said enough and I want to say, finally, that the Government is firm in its resolve that the introduction of this Bill is timely and necessary as we continue our efforts to stamp out the unbridled criminal activity that now plagues our nation. The unacceptable levels of crime that we face demand that we bring all our systems and processes and the legislation that govern them in the fight against crime.

We also, of course, have to consider the prisoners and remember that the Ministry of Justice is into a restorative justice initiative that it is pursuing, because we want to also deal with prisoners and try to rehabilitate the prisoners and bring them back as good productive citizens where we can.

So Mr. Speaker, these amendments should also contribute to the overall good governance of prison inmates, and would further serve to advance the penal reform and bolster the restorative justice system, and help in our efforts to provide the best possible means for the reform of offenders and their reintegration back into society.

**Mr. Speaker:** Hon. Members, the speaking time of the Hon. Minister of Justice has expired.

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*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. T. Gopeesingh*]

*Question put and agreed to.*

**Sen. The Hon. E. George:** [*Desk thumping*] Thank you very much, Mr. Speaker.

Mr. Speaker, by no stretch of the imagination would I be using even using one-thirtieth out of the 30 minutes that I have at my disposal. [*Desk thumping*]

So I am saying I was concluding by saying that these amendments will bring, and will contribute to the overall governance of the prisons, will advance the penal reform initiatives that the Ministry is undertaking, will help to make our country a safer place, and will ensure the provision of a stable, transparent and efficient prison system, which the public can feel confident is fulfilling its mandate as a prison to hold and to treat.

Mr. Speaker, having regard to the submissions, I commend the Miscellaneous Provisions (Prisons) Bill to this honourable House and, Mr. Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

#### ARRANGEMENT OF BUSINESS

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in accordance with Standing Order 37(3), I beg to move that debate on the Miscellaneous Provisions (Prisons) Bill, 2014, be adjourned to another date. I beg to move.

*Question put and agreed to.*

#### JUDGES SALARIES AND PENSIONS (AMDT.) BILL, 2014

*Order for second reading read.*

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker.

Mr. Speaker, I beg to move:

That a Bill to amend the Judges Salaries and Pensions Act, Chap. 6:02, be read a second time.

**RELATED BILLS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in moving the second reading of this Bill, I also seek leave of the House to debate together with this Bill, a Bill entitled “An Act to amend the Retiring Allowances (Legislative Services) Act, Chap. 2:03”, since they are, Mr. Speaker, interrelated.

**Mr. Speaker:** Is this the wish of the House?

*Assent indicated.*

**Mr. Speaker:** Hon. Member, continue, please.

**JUDGES SALARIES AND PENSIONS  
(AMDT.) BILL, 2014**

**Hon. Dr. R. Moonilal:** Thank you, thank you very much, Mr. Speaker.

Mr. Speaker, today it is the intention of the Government to debate two Bills which relate to the provision of a measure of social security and support to Members who have served this country in all three estates, notably, the Judiciary, the Legislature—Parliament—and the Executive.

Mr. Speaker, it is a hallmark of a country the extent to which we provide for those who have served their country and given yeoman service to their nation, their society, their community, and would have made, over time, great sacrifices, at times sacrifices of personal financial advancement; at times, Mr. Speaker, sacrifice of their own personal circumstance, their family life and, indeed, their health. Those members of the national community who have been fortunate and honoured to serve in the three branches of the State, have done so at times with personal sacrifice, a sacrifice that is borne out of their commitment to their country, and an unparalleled level of patriotism that the nation remains grateful for.

But, Mr. Speaker, in expressing gratitude in an intangible way, we must also express our gratitude in a very tangible way to those who have served our country in the three branches of the State.

Mr. Speaker, just a few days ago we had a wonderful experience when another great soul of this country, the Mighty Sparrow, was conferred with an award, the Order of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, in 2001, the Mighty Sparrow received an award, the highest award of the Caricom Community, the Order of the Caricom Community. In 2014, Mr. Speaker, 13 years later, a grateful nation conferred upon him the highest award

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of this country, not the country of his birth, but certainly the country that has defined his emergence and his contribution to culture throughout the world.

Mr. Speaker, this debate today is very much along the same lines of that activity, to remind you that the Government also took certain actions to ensure that the Mighty Sparrow and other cultural icons have been provided for in a tangible way, as well, by way of support for medical treatment, by way of the provision of housing, Mr. Speaker. So we have gone beyond the intangible, as important as symbols are, and symbols are very important, Mr. Speaker.

Mr. Speaker, Members of Parliament and judges on retirement go back into that private world, their private capacity, private citizens and Mr, Speaker, they leave behind their work, their legacy, their sacrifice, their contribution and it is up to us, Mr. Speaker, to provide, that such outstanding citizens are not themselves suffering in retirement, impoverished and cannot, provide for themselves and their families. By definition, when one reaches retirement age and beyond, there are certain challenges that one would face, certainly challenges of health, challenges of paying an assortment of bills which may remain outstanding, and which may need to be provided for. In the case of judges, they also, on demitting office, they cannot, by law, practise their own profession which led them to national service.

Mr. Speaker, although we have taken steps to reduce that time, it is still quite a daunting prospect that someone can retire at age 65; you can tell them not to work in their profession for even five years, and it is very difficult to re-enter the labour market and practise a profession at the age of 70.

**8.35 p.m.**

But I will speak first to the issue of the judges. I am informed that the last adjustment to their own pension arrangements was made in 2005. This was made not as a direct proactive policy to enhance retirement benefits, but it arose as a result of salary increases in 2005.

There have been several members of the Judiciary on retirement who have experienced particular hardship. I will not—although I have names, I prefer not to call names, but to really describe situations. One very outstanding retired justice—and I can state the fact, I am not going to comment at all on the circumstances—deceased Justice Ulric Cross, who served this country in several capacities and served the region. He lived to a very ripe age, but this distinguished judge passed on and he received a pension of—I will get the exact figure for you—\$3,500 a month. The former Justice Ulric Cross served in the military, served on the Bench, served in the Diplomatic Service. We named an installation after him at the Trinidad and Tobago Air Guard compound and he received a judicial pension in

honour of his service of \$3,500 per month.

The judges have made representation to Governments before and the current administration. By 2004, a team of retired justices visited and held discussions with former Prime Minister, Patrick Manning, and made their case to the hon. Prime Minister at that time. In response to that representation, the hon. Prime Minister Patrick Manning responded on August 11, 2004 and indicated that while he was extremely pleased to receive the team of retired judges, comprising Justices Zainool Hosein, Clement Brooks, Ralph Narine and Mr. Justice George Edo, he regretted to inform those judges that while he understood their circumstances in life, he was unable to accede to their request that retired judges benefit by an increased pension arrangement and other benefits. That is 2005. We have the letter from the former Prime Minister.

The other matter, and I will not call the name, but the wife of a retired judge had cause, on May 10, 2005, to write to the then Chief Justice Satnarine Sharma. This letter—I am not going to name at all the judge nor the identity of the spouse—indicated to the Chief Justice—it was a very emotional letter and, it says:

You may or may not know that my husband has been a patient at the Eric Williams Medical Sciences Complex, Mount Hope. Relying on the custom that judges' medical expenses are met by the State, the Billing and Collections Department at Mount Hope enquired from the Judiciary's administrative department as to the prospect of sending along his bill. They were appalled at the response that there was no provision for the medical expenses of a retired judge to be met by the Judiciary or State.

They expressed to me their amazement that someone who has made his contribution at such a high and invaluable level should have to dip into his judge's pension to meet these expenses personally. Their reaction gave me pause and I would like to add that the only thing in life we are sure of is that we will all die someday and very often we get ill before doing so.

I would, therefore, like to warn you and all the other judges, no matter how far removed from retirement that you are, that you, too, will be in that inevitable position and then it will be too late to alter a situation that requires your attention now.

This letter was written in 2005, Mr. Speaker. That is nine years ago.

It is in your interest to take the necessary steps to bring about changes in providing realistic pensions beyond retirement. Yours is not a large group of persons and your vital role in this society demands some respect and

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consideration long after your active role as a judge ceases. If no one has yet made this simple point, I feel it is one that should be made and acted upon immediately since no one knows the date of his demise.

Signed by the spouse of a judge.

In this particular matter, the learned judge died seven days after his wife sent this emotional letter pleading for assistance.

I highlight this to say that while it is true, and the leader of the former administration held the view that he would have preferred to have a comprehensive pension reform agenda that would have dealt with all public officers—the former Prime Minister echoed that sentiment in his response in this matter; that he was unable to provide enhanced pension arrangements for judges because he felt that he would deal with the comprehensive framework for all public officers. He held that view.

Mr. Speaker, that was 2004. Today is 2014, 10 years later. We have taken the view that we would like to intervene at this time to bring relief to members of the Judiciary. As we continue to act in a way consistent with our overall framework, the Minister of Finance and the Economy has been speaking on several occasions of his own initiative at pension reform. Notwithstanding that, it is the intention and the policy of the Government to act to address this very high level of discrimination and distress that has taken place in this society.

The Bill before us—clause 2 of the Bill, of course, is the Interpretation Section. Clause 3 of the Bill makes an amendment to section 3 of the Act. Clause 3 inserts the following definition to the Act in alphabetical sequence:

“‘Pensionable allowance’ means the following allowances payable to a Judge:

- (a) judicial contact allowance;
- (b) housing allowance; and
- (c) transport allowance.”

Mr. Speaker, clause 3 further deletes the definition of “pensionable emoluments” under the Act and substitutes the following definition:

“‘pensionable emoluments’ means the total remuneration paid to a judge in respect to his substantive office, including salary and only the judicial contact allowance, housing allowance and transport allowance.”

Mr. Speaker, you may know that formerly a judge’s pension was calculated solely on the basis of his salary which was paid to him in respect to the substantive



office. Under this Bill, there is a more favourable method of computing pension, which makes reference to the judge's salary, judicial contact allowance, housing allowance and transport allowance. The net effect of this amendment would mean that the figure for a judge to receive, and is entitled to by way of pension, would be increased.

Section 8 is also amended. Clause 4 of the Bill seeks to amend the Act:

“by deleting the words ‘one-three hundred and sixtieth’ and substituting the words ‘one three-hundredths’”.

As you would know, this will also, when you compute, lead to an advantageous position vis-à-vis the existing legislation.

Clause 5 of the Bill creates a new section 8A, which will be inserted into the Act. Section 8A makes provision for the adjustment of pension for a judge. The new section 8A reads as follows:

- “(1) Notwithstanding section 6(1) and (2), whenever the salary or pensionable allowances of Judges are increased, the pensionable emoluments of a retired Judge, if he is still living on the date on which such an increase takes effect, is deemed as from the date to have been the same as those payable to a Judge occupying the office from which he retired and the pension of the retired Judge shall be adjusted accordingly as from that date.
- (2) Notwithstanding section 6(1) and (2), Judges who retired before the amending Act came into force and who were still living on the date when the amending Act came into force, are entitled to have their pensions computed and adjusted as from that date by taking into account in determining their pensionable emoluments:
- (a) the definition of ‘pensionable emoluments’ contained in the amending Act; and
  - (b) any increase in the salary or pensionable allowances of Judges that took effect after their retirement.”—pursuant to 6(1) and 6(2).

The effect of this insertion is a significant one. This provision serves as a constant guard against the ravages of inflation. In short, this clause arose out of a desire on the part of the Government to ensure that in the future, judges will never again have to suffer the indignity which I described earlier and which some presently retired judges have been forced to endure as their pensions became less

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and less significant as it is fixed as from the date on which they retired from the Judiciary.

Further, this clause intends to ameliorate the hardships which are presently faced by some of our retired judges who are still alive and by allowing their existing pensions to be recalculated in a more favourable manner.

Clause 6 of the Bill makes certain changes to section 12 of the Act. As you would know, section 12 of the Act makes provisions with respect to the payment of pension to the widow of the Chief Justice. Previously, this payment was limited to two-thirds of the Chief Justice's pension. Under the proposed amendments by virtue of clause 6, the provisions with respect to the widow of the Chief Justice move from the payment of roughly 66.6 per cent to 85 per cent.

Section 13, amended by clause 7 of the Bill, makes certain changes to section 13 of the Act. Section 13 of the Act makes provision with respect to the payment of a pension to the widow of a judge. Previously, Mr. Speaker, this provision was capped at a maximum of one-half of the pension which would have been payable to the judge if he were still alive. Under the amended Act, this cap on the payment which can be made to a widow of a judge has been increased to 85 per cent of the judge's pension.

Clause 8 of the Bill, another important clause, seeks to insert three new sections in the Act, namely, sections 14A, 14B and 14C, which read as follows:

“14A. Notwithstanding sections 12(1) and (2) and 13(1) and (2), wherever the salary or pensionable allowances of Judges are increased, the pension payable to the widow of a Judge (including the Chief Justice) if the widow is still living and entitled to a pension on the date when such increase takes effect, shall be recomputed as from that date by treating the pensionable emoluments of the Judge as the same for the purpose of the”—recalculation—“as they would have been on that date.”

Mr. Speaker, so the impact of these amendments is to provide for the spouse of a deceased judge and Chief Justice a condition that would be much more beneficial and allow that person to take care of all living arrangements and whatever bills may have to be paid on a continuous basis.

So we try to ameliorate the hardships which may have been experienced by the widow of any judge who was in receipt of a pension at the time that the amending Act comes into force. The provisions here seek to allow the widow to receive a more favourable recalculation of the pension payable to her—the widow will receive the recalculation of the pension payable to her based on the figure which a

deceased judge would have been entitled to receive were it not for his passing prior to the coming into force of the amendments contained in this Bill.

**8.50 p.m.**

Mr. Speaker, in a nutshell, we are seeking to provide a much more humane circumstance for members of the Judiciary on retirement, and for their families. It is, Mr. Speaker, long overdue, but everything happens for a reason, everything happens in good time, so we are here today to provide for that.

Mr. Speaker, the second measure before us deals with Members of Parliament. Now, Mr. Speaker, I want to put this in a context as well, as I did with the arrangements for judges. Members of Parliament, historically, were persons who were enjoying the same standard and stature as judges. A Member of Parliament, a Member of the Legislature, is an extremely honourable position that is conferred on persons who have made certain sacrifices. One recent phenomenon: like judges, Members of Parliament make enormous sacrifices at a personal level, at a financial level, in terms of their health, at every level but, increasingly, much more young persons are coming to the fore in political life, and expected to offer themselves for service at the parliamentary level.

Mr. Speaker, when someone is at the young age of 30, would have invested their earlier life in education, obtained qualifications of a tertiary nature—they would have gone to university obtained a couple university degrees and so on, and they are now at a stage where they embark upon a professional career that would lead to financial security; that would lead to professional upliftment; that would lead to social upliftment—when that young person comes to public life, parliamentary life, they sacrifice all of that as well.

**Dr. Gopeesingh:** Like you are a living example. You are a living example.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I am a victim, as you said. [*Laughter*] Mr. Speaker—[*Interruption*]

**Dr. Rowley:** Mr. Speaker, I wonder if you could control the Member for Caroni East, I would like to hear what the Member for Oropouche East is saying.

**Sen. Dr. R. Moonilal:** Thank you very much, Mr. Opposition Leader. So that young persons make this type of sacrifice and, in fact, I note, Mr. Speaker, that the Opposition has also been attracting some professionals, youthful professionals in their rank, and persons are expected to make this sacrifice. [*Interruption*] No, no, not the ageing youth officer, but others in the other place and so on.

**Mr. Speaker:** Please, please, allow the Member to speak.

**Sen. Dr. R. Moonilal:** And, Mr. Speaker, when someone at that age, more or less 30 years and so on invest so much in their education—their family also invest in them—and they come to public and parliamentary life, what do they have, Mr. Speaker? A salary and terms and conditions that are certainly not competitive with the private sector; with the international private sector. At times you sacrifice jobs at international organizations and so on. So, Mr. Speaker, what you can offer is, of course, social security, some measure of security so that you may serve—you may serve in public life, you may give to your country—with the understanding and the assurance that you will also be provided for when that term of service comes to an end. Mr. Speaker, it is a decent thing to do; a very decent thing to do.

And so, Mr. Speaker, the Cabinet have agreed to arrangements, new arrangements, for members of the legislative arm of the State; adjustments for periods of service for legislators to qualify for retiring allowances. We have made adjustments for that; we have made adjustments in terms of the percentages; quantum of retiring allowances. Mr. Speaker, we have included certain allowances in the definition of “pensionable emoluments” for the purpose of calculating retirement allowances; we have factored in periodic adjustments of retiring allowances, when the pensionable emoluments of legislators are reviewed and adjusted, and we have introduced payment of a termination benefit to persons who cease to be Members of Parliament whether voluntarily or, in many cases, involuntarily.

Mr. Speaker, while I had letters to read concerning judges, I have my own experiences to share concerning Members of Parliament. There was no need, Mr. Speaker, for me to get hold of letters. Mr. Speaker, there are members of this society—retired former Members of Parliament—but you seldom retire in our business. You either go in peace or you go in pieces. [*Laughter*] You seldom retire here. Mr. Speaker, there are persons who have departed from the Chamber and when they return to private life it is very difficult to adjust, given the nature of our political environment, and it is not a blame we share and cast on anyone, given the nature of our adversarial political system.

Mr. Speaker, a few years ago, I went to an office of the Ministry of Finance in Port of Spain for some business and I met not one, but two former Members of Parliament. And, you know, Mr. Speaker, they were there in their casual attire in a shirtjack, and I enquired what they were doing at the Ministry of Finance in the morning in Port of Spain like this, and they said they came to conduct some transactions with their pension and so on, and one Member who had served for over

20 years in the House of Representatives, indicated to me that he is receiving the handsome salary—a handsome pension of about \$4,500.

**Dr. Gopeesingh:** He cannot even buy his medicine.

**Sen. Dr. R. Moonilal:** Mr. Speaker, what could you do with that? These are men who travelled the world representing this country speaking at international fora, in some cases, elected to high office in the international arena, and when they demit office they are hustling on Frederick Street for \$4,000 a month, having served the country, having made the sacrifice.

You see, Mr. Speaker, being a politician is one thing. I would tell you, I always share this example. Everybody criticizes the politician, everybody. Everybody knocks the politician, because they are game but, you know, everybody wants to be a politician. When the time comes for candidates, for any party—well, for the main parties, I would not say any party—there is no shortage of people who want to be candidates. They have 10 people willing to run for any seat here from the same party. There is no shortage.

Everybody criticizes the politician—the politician is that and that and bad and everything evil—but yet, you know, everybody wants to be a politician. The same members of the press, our great friends, who would write day in and day out about politicians, Mr. Speaker, when it is time for screening, “Dey does line up to come in to screen too, because they want to come here too.” Mr. Speaker, there is no shortage of candidates, but they like to knock the politicians and so on which is fine, we are fair game.

I make the point, Mr. Speaker, that politicians, the work of a politician, a Member of the Parliament, is still a very noble role. You can still change your community; change your society and change your nation from the Parliament. We make laws, which if properly implemented bring change, bring positive change to people. I mean, we pass laws that help, that truly help. It is still one of the most noble professions you can join, notwithstanding all the *mauvais langue* and old talk and gossip.

Mr. Speaker, when you receive—particularly when you are in office and you could do that—a message from someone for a simple thing, they got a box drain—they waited 25 years to get a box drain, they finally get a box drain—Mr. Speaker, that is their world, they are happy. Someone told me there was a particular road in my constituency—a short small road—they said this is the first time in 28 years the road was paved, but that is their world.

We feel proud that we are able to do something for people—that you make a recommendation for something—and many of my friends opposite have had the honour to serve in office as well, and they know what I am talking about; that you can still bring great happiness and joy to people serving as a Member of Parliament or a Minister of Government. You can do that, apart from the role you play in the mega investments of a country in developing the economy; in developing prosperity; in developing jobs; in developing income distributions. So it is a noble profession, it is very noble, and you can bring joy, happiness.

So that more people would be attracted to this position as well, but we also have to provide so that we can attract good people as well, because there may be a lot of good people out there who would not mind serving as a Member of Parliament, but when they look at the terms and conditions, they say, “No, I am not sacrificing my job as a senior engineer in an international firm to be a Member of Parliament. I am not doing that.” They would not, because you have a family, you have a reality.

So, Mr. Speaker, in doing this, we are also mindful that we must attract a higher calibre of people with their training or education, as the case may be, who will be attracted to come to the Parliament and work in the national interest knowing that on retirement, they receive some decent benefit which, clearly, if they had stayed in their professional world, they would have received maybe 10 times as much, because you will always make a sacrifice. Once you are in public life, there must be sacrifice.

Mr. Speaker, I have to go back again, because we are correcting a certain imbalance here. The former Prime Minister had a view—but we may not agree with him, but he had a view—and he expressed that view to all; Members of his Government and Members opposite. He said that a Member of Parliament is a man or woman who would make great sacrifices. He came from a day when a Member of Parliament would meet people under their house on a “pirha”—they would sit down on a bench under the house and wait. They would probably get, you know, a bottle of cold water waiting, you know, to see the MP who could come downstairs and meet them. He came from that era, so he had this feeling that MPs should stay in that state.

He felt that Members of Parliament, particularly, Members without portfolio—Opposition Members and some Government Members—he said they were free to practise their professions. In fact, you should get no increase or no great benefit, because if you are a doctor you should medicate; if you are a lawyer, you should advocate. You are free to practise your profession.

Mr. Speaker, the emergence of modern parliaments and work today means that a Member of Parliament from the Opposition and a backbencher in the Government are required to be in the Parliament almost every single day—

**Dr. Gopeesingh:** That is right.

**Hon. Dr. R. Moonilal:**—are required to be in committee meetings of one kind or another; to be travelling on Parliament business. Imagine you are working in a company, a private firm, and you tell the private firm, “ I need a week off, I need to go to Tanzania to attend a Commonwealth parliamentary meeting”, Mr. Speaker, your employer will tell you go to Tanzania and remain there. [*Laughter*] They will tell you that; remain there. In the modern world, people would not give people time off to go to attend a parliamentary conference. Nobody cares about that. They are running their businesses, they need their employees—[*Interruption*]

**Dr. Rambachan:** Even councillors.

**Hon. Dr. R. Moonilal:** Councillors and so on. Members of Parliament are required to be here, and not only to be here, but to be here at odd hours, Mr. Speaker. This is not a place—I discovered 14 years ago—when 4.30 comes is because you go back home and get into your outfit for exercise, and go and meet your colleagues, your friends, and go in the park, you know, Mr. Speaker. This is not a place for that. This is a place when the work day comes, you stay here until 12 o’clock, one o’clock, two o’clock, whatever time you stay. This is serious business and very hard. It is very hard. The sacrifice that you are required to make as a Member of Parliament is a serious sacrifice.

Mr. Speaker, I have been in the Opposition. I served 10 years in the Opposition. There were times, Mr. Speaker, I remember, we are doing a debate and the Chief Whip, at the time, would tell me to go home and sleep and come back at two o’clock in the morning to speak. Mr. Speaker, I left Port of Spain one night at seven o’clock, went to San Fernando got a three-hour rest and then came back to Port of Spain, Red House, to speak at three o’clock in the morning in a debate. That is Parliament! Mr. Speaker, that is Parliament. There are times when we have gone—my own Members come up to me sometimes and look as if they want to assault me. [*Laughter*] And, Mr. Speaker, I quickly—[*Interruption*]

**Hon. Member:** Anil Roberts.

**9.05 p.m.**

**Hon. Dr. R. Moonilal:** Mr. Speaker, at that hour of the night, given the anger I see sometimes in their eyes, I dare not challenge them. I meekly walk away, because the work we do can impair our health. It can. I keep saying this is not a job

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for persons who cannot make sacrifices. This is not a job for that. If you cannot make sacrifice do not come anywhere near Parliament. This is serious business and this is why we have to provide allowances, benefits, whether they be terms and conditions.

We do not determine our terms and conditions, Mr. Speaker—as a related point—the Salaries Review Commission does that. They have provided terms and conditions. We decided we would not fight them, but we can take action time and time again to provide for our social security, our retiring benefits, and that is why today we are here to do just that.

Mr. Speaker, the Bill before us seeks to make several adjustments. Just to remind colleagues and for the record, it was in 1969 that the then Government moved to ensure that the country's continuing ability to attract the right people for the critical role of a member of the Legislature, that the then Government moved to introduce a retirement fund programme for those who had committed years to service. A Bill was piloted in 1969 for members of the Legislature to qualify for pension. Legislators had to serve for periods amounting to, in the aggregate, not less than eight years, then they were provided with some retirement benefit.

Mr. Speaker, the original Bill was tabled in 1969, and that Bill did not propose to include Senators among legislators entitled to retirement allowance. Our brothers and sisters of the other place have been denied that which Members of this House have had access to for 45 years. Today, we intend to redress that historical wrong. There are several members of the national community, you know it very well, who have served in the Senate for many, many years. In some cases, served longer than a Member of the House and they have been entitled to zero, having given service in the Senate, and it is the same work. It is the same work. My friend from St. Joseph is fresh from the other place. [*Laughter*] Many of us—not that he will return soon to the other place, but he knows it.

Many of us, in fact you look around the House today and many, not all, but many have had the opportunity to burst into the politics from the Senate, and you do the same work, the same debate, the same hours of parliamentary work. The difference, of course, clearly is that you have no constituency that way, but you make up for it with work and parliamentary work; you travel, you attend meetings and so on, and you discharge similar duties. So, Mr. Speaker, today, it is our intention to introduce, redefine that identity of a member of the Legislature to include Senators.

Mr. Speaker, recent amendments to the Retiring Allowances Act in 2007 and 2008 adjusted, among other things, the number of years a retired legislator had to



serve in order to qualify for a pension, consistently lowering the number of years needed to have been a member of the Legislature to qualify.

So, currently, Mr. Speaker, as they stand today, the retiring allowances payable to legislators are as follows—just to put on record what currently exists—to any person who has served as a legislator for periods amounting in the aggregate to not less than five years, they are entitled to a pension.

In the case of a person who has served as a legislator for periods amounting in the aggregate to not less than five years, that benefit be at an annual rate equal to one-sixth of one year's salary of that person or a monthly pension in the sum of \$3,000, whichever is greater.

In the case of a person who has served as a legislator for two consecutive full parliamentary terms, extending over a period of not less than nine years or for periods amounting in the aggregate to not less than 10 years, be at an annual rate equal to one-third of one year's salary of that person or a monthly pension in the sum of \$3,000, whichever is greater.

In the case of a person who has served as a member for three full parliamentary terms extending over a period of not less than 13 and a half years or for periods amounting in the aggregate to not less than 15 years, be at an annual rate equal to one-half of one year's salary of that person or the same \$3,000, whichever is greater.

In the case of a person who has served as a member for four full parliamentary terms extending over a period of not less than 18 years or for periods amounting in the aggregate to not less than 20 years, be at an annual rate equal to two-thirds of one year's salary of that person or a monthly pension in the sum of \$3,000, whichever is greater.

Mr. Speaker, I ask you to note that the rates for calculating the retiring allowances of legislators vary according to the period of service as a member and that the amount payable is stated as a fraction of one year's salary. Now that we understand where we are, we will now go to what is being proposed.

First, the Bill would provide for increases in retiring allowances of Members of Parliament by reducing the qualifying periods of service, by increasing the fractions of the legislator's payable emoluments and making retiring allowances a fraction of a legislator's pensionable emoluments, which include salary, housing and transport allowances instead of a fraction of his salary alone.

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Thus the new rates proposed in the Bill are as follows: in the case of a person who has served as a Member for periods amounting in the aggregate to not less than four years, be at an annual rate equal to one-third of one year's pensionable emoluments of that person or a monthly pension in the sum of \$3,000, whichever is greater.

In the case of a person who has served as a Member for periods amounting in the aggregate to not less than eight years, be at an annual rate equal to one-half of one year's pensionable emoluments of that person, or a monthly pension in the sum of \$3,000, whichever is greater.

In the case of a person who has served as a Member for periods amounting in the aggregate to not less than 10 years, be at an annual rate equal to sixth-tenths of one year's pensionable emoluments of that person, or a monthly pension in the sum of \$3,000, whichever is greater.

In the case of a person who has served as a Member for periods amounting in the aggregate to not less than 15 years, be at an annual rate equal to three-quarters of one year's pensionable emoluments of that person, or a monthly pension in the sum of \$3,000, whichever is greater. In the case of a person who has served as a Member for periods amounting in the aggregate to not less than 18 years, be at an annual rate equal to one year's pensionable emoluments of that person.

The Bill will make new rates effective in relation to any person serving as a legislator from August 01, 1976 or thereafter—1976, Mr. Speaker, the year we adopted our Republican Constitution. Further, the Bill provides for the pensionable emoluments which form the basis for calculating the retiring allowances of a person to be the same as the salary and the pensionable allowances of legislators whenever there is an increase in such salary or pensionable allowance. The increase in retiring allowances would be simultaneous with the increase in the salary or pensionable allowances of legislators, and would only be payable if the recipient of the retiring allowance is still living at the time of the increase.

The Bill also provides for the payment of termination benefit equal to one-half of one year's pensionable emoluments to a current or future Member of the House of Representatives, who is not re-elected after the dissolution of Parliament.

Finally, hon. Members of the House, I wish to ask for the agreement of Members and to again state that Senators have not been part of our pension plan for legislators and this Government seeks to change that.

Mr. Speaker, we changed that by redefining a Member of the legislative house and including Senators in the definition of "legislator". There are a number of ways

that Governments around the world seek to cater for the livelihood and well-being of legislators and their families after retirement, and therefore, we seek to attract a higher calibre of personnel for this important job.

In preparing for this debate, I took the time to examine the laws and arrangements in several countries and members of the Commonwealth throughout, and we looked at Australia, we looked at Uganda, we looked at Canada, we looked at India, we looked at New Zealand, we looked at Jamaica, we looked at Antigua, and it goes on. It goes on with several other countries in the Commonwealth that we were looking at. We also looked at the European Union including Germany and we have conducted the research on this. It is not my intention to read this, but I do—like the Member for Diego Martin North/East, I take my research seriously.

Mr. Speaker, in looking at it, the international comparisons—I would just like to make one or two points concerning that. It is noteworthy, Mr. Speaker—*[Interruption]*

**Mr. Speaker:** Hon. Members, the speaking time of hon. Minister of Housing and Urban Development has expired.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. *[Hon. Dr. T. Gopeesingh]*

*Question put and agreed to.*

**Hon. Dr R. Moonilal:** Thank you. *[Desk thumping]* Mr. Speaker, territories in Caricom area include Antigua, Jamaica, Guyana; we note that they have shorter qualifying periods to access pension than currently exist in Trinidad and Tobago. I repeat that: Antigua and Barbuda, Guyana and Jamaica.

Mr. Speaker, in Antigua under section 7(1)(b) of their Pensions and Gratuities (Parliamentary and Special Offices) Act, a legislator is eligible to receive the maximum pension after only 11 years of continuous service. Imagine in Antigua, after 11 years of continuous service as compared to 18 years in Trinidad and Tobago under our proposed Bill. In Guyana, under the Pensions (President, Parliamentary and Special Offices) Act, a legislator qualifies for minimum pension after three years of service as a legislator and the maximum pension is payable after just 12 years of service, in Guyana.

**Mr. Cadiz:** We have to review ours. *[Laughter]*

**Hon. Dr. R. Moonilal:** Mr. Speaker, in Jamaica under section 6(1)(a)(ii) of their Retiring Allowances (Legislative Service) Act, a legislator need only serve for periods amounting in the aggregate to nine years to qualify for the maximum retiring allowance, in Jamaica.

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Mr. Speaker, in Barbados under section 6(1)(b) of their Retiring Allowances (Legislative Service) Act, legislators qualify for a maximum retiring allowance after only 12 years of service, and it is noteworthy that the Barbadian legislators qualify for a pension at age 50 compared to age 55 in Trinidad and Tobago. Mr. Speaker, in some Commonwealth countries including Uganda, legislators are eligible for pension at the age of 45.

**Dr. Rowley:** What?

**Hon. Dr. R. Moonilal:** Mr. Speaker, further afield, in India, there is no minimum qualifying period for pension for legislators. Under section 8(a) of their Salary, Allowances and Pension of Members of Parliament Act, a pension is paid in India to every person who has served for any period as a Member of Parliament [*Desk thumping*] which could include service for one day.

Mr. Speaker, in some of the Parliaments in the Far East, you could actually serve for one day. In Italy, legislators qualify for a pension after two and a half years of service. In Australia, under their Parliamentary Act, MPs qualify for a maximum pension after 18 years' service but receive a pension equivalent to 50 per cent of their annual pensionable emoluments after just eight years' service. Mr. Speaker, in comparison to what obtains within Caricom and the wider Commonwealth, therefore, the adjustments to the qualifying periods are quite reasonable and consistent with best practice around the world. [*Interruption*]

Mr. Speaker, the amendment Bill proposes to adjust minimum retiring allowances to a third of the pensionable emoluments of a legislator. This is less than the minimum pension of 50 per cent of pensionable remuneration paid to an Australian legislator or a Barbadian legislator—a Bajan—the Bill also proposes to adjust the maximum retiring allowance to 100 per cent of pensionable emoluments after 18 years' service. In Australia—Mr. Speaker, and I would just put this on the record because I think people should know—the maximum pension paid to a legislator is 75 per cent of pensionable remuneration.

**9.20 p.m.**

At the current rates, the minimum pension of an Australian backbencher is equivalent to TT \$46,000 per month and the minimum pension for a Minister in Australia, after just eight years service as a member of parliament, would be equivalent to \$80,000 per month. The maximum pension for a Minister in Australia, at current rates, would be equivalent to \$120,000 per month. Mr. Speaker, we cannot go there. Australia already had a bad evening a few minutes

ago. We cannot look to Australia now, this is not their evening. So, we will not adopt their policy.

Mr. Speaker, in Guyana, after 12 years' service, the maximum pension is payable at a rate of seven-eighths of one year's pensionable salary. In Antigua, section 7(1)(b) of their legislation, legislators qualify for a maximum pension of 100 per cent of their highest pensionable salary after just 11 years of service as compared to 18 years proposed in our Bill. The Bill proposes that the housing and transport allowances that are paid to legislators, where applicable, be included in the pensionable emoluments of legislators.

Again, there are ample precedents for this in the Commonwealth. In Jamaica, under section 2 of their Retiring Allowances (Legislative Service) Act, the pensionable salary of a legislator includes his housing allowance. In Canada, under section 2 of their Members of Parliament Retiring Allowances Act, pensionable earnings of a legislator is defined as the aggregate of his sessional indemnity—basic remuneration, that is—any annual allowance that he is entitled to, and additional salary that he is entitled to by virtue of his office.

Mr. Speaker, the Bill also proposes periodic adjustments of retiring allowances. The amendment Bill proposes that the retiring allowances of retired MPs be adjusted and so on. This is, again, standard practice in many Parliaments of the Commonwealth and is identical to what obtains in several countries including, as I said before, Uganda. In the United Kingdom, under their Pensions (Increase) Act of 1971, the pensions of MPs are adjusted each year in proportion to the annual increase in the retail price index. In Australia, up to 2011, under their Parliamentary Contributory Superannuation Act, 1948, retiring allowances of legislators were increased in line with increases in the annual allowance basic remuneration for serving Members.

Mr. Speaker, in the UK there is a concept called a resettlement grant paid to MPs who demit office, whether voluntarily or involuntarily. Departing MPs receive a one-off resettlement grant. Now, people, I already saw in the newspaper here—somebody writing about this already, eh, this resettlement grant. The Bill proposes that legislators be paid a termination benefit on demitting office equivalent to six months' pensionable emoluments or 50 per cent of their annual entitlement. It is very common in several jurisdictions to have such a termination benefit.

In Germany—I was saying we also looked at the European Union—under the Bundestag Act, departing MPs are paid transitional emoluments equivalent to one month's emoluments for each year of service up to a maximum of 18 months'

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emoluments.

Mr. Speaker, this allows for some measure of transiting back to private life. I keep making the point that when you demit office—there are several cases where a Member of Parliament would not automatically go into a job or automatically return to a profession, or automatically take up something. They remain hard—*[Interruption]* There is a former Minister, colleague of my friends opposite, you know, when we were in the House years ago, this man would stand up there and brutally attack us in sometimes the most obscene way. He is now a foreman somewhere in a bottle company on the East-West Corridor, packing bottles by this place there. Call the name and I—*[Laughter]*

**Hon. Member:** Whistle.

**Hon. Dr. R. Moonilal:** I will smile. No, they will talk about whistle-blower. Call the name and I will tell them.

This man was so vociferous and now he is a foreman watching people pack bottles in a case and carrying out and so on. A former Minister of Government and so on, took time—in fact I understand he was about two, three years unemployed. What this benefit allows—*[Interruption]* You were a fan of his.

Mr. Speaker, what this benefit allows is that a Member, on demitting office can re-adjust. You see, you are paying a mortgage, you are paying for a motor car; you are paying for the education of your children and so on. On leaving this Parliament, the bank does not say, “Okay, take six months before you pay the next mortgage”. The company that you buy your car from would not say, “Okay, hold on, we would give you a few months.” The school that your child is going to does not say, “Hold on, doh pay for the books now, don’t pay for any classes and so on, we will wait until you get a job.” Mr. Speaker, you continue like that.

Mr. Speaker, there are Members on our side, we know, when they demit office they cannot get a job anywhere. In fact, if they had a job, they get fired.

**Dr. Rambachan:** Ask me.

**Hon. Dr. R. Moonilal:** Ask who?

**Dr. Gopeesingh:** Suruj.

**Hon. Dr. R. Moonilal:** The Member for Tabaquite has some personal experience on this matter.

**Dr. Rowley:** He was not fired for that.

**Hon. Dr. R. Moonilal:** Mr. Speaker, when we demitted office in 2001—I will tell you this because I am coming to the end here. When I went back to Ste. Madeleine, where I still live, there was a time when we demitted office in 2001, I thought my phone was not working. After about two weeks I then started to complain to TSTT.

**Dr. Rowley:** Dial tone gone.

**Hon. Dr. R. Moonilal:** I thought the phone break down, nobody was calling me. [*Laughter*] When I looked in the papers the same people who I was with in all the cocktail parties, they were there with Parsanlal and Kennedy Swaratsingh and Mustapha Hamid. [*Laughter*]

Mr. Speaker, no government lasts forever and no opposition lasts forever.

**Hon. Member:** And no man lasts forever.

**Hon. Dr. R. Moonilal:** And no man lasts forever. All these people you thought were your friends, the next set comes in and they gone and I remained home. I used to wait for 4.30 because at 4.30 some of my colleagues would finish work, where they were working, and I would meet them after. Those were the only friends I would have. This happened for a long time.

Mr. Speaker, I applied to a state agency, NGC—I could say that. I was qualified for the job I applied to do. I did not even get an acknowledgement of my letter; forget interview; forget call. They did not even acknowledge my letter. Years after, I met the boss at that company and I said, “Chief, I applied for this thing”. He said, “You know how it is.” [*Laughter*] Years after—[*Laughter*]—I asked the man, “Why you did not even call me for an interview? You did not have to give me the job, just call me for an interview.” He said, “You know how it is.” This is the nature—[*Interruption*]

**Dr. Khan:** Ask North/East about me.

**Hon. Dr. R. Moonilal:** The Minister of Health. [*Interruption*]

Mr. Speaker, many Members of Parliament—you know, in all fairness, these things happen because of the nature of the society. I remembered once, deceased Ken Valley—the Member for Diego Martin Central, I think. I was in office and I met him on a flight going to Jamaica. This man was Minister/Leader of Government Business for several years under the administration 1991 to 1995. I met him by '97; he was going up there. I always tell my colleagues—they will always remember me for this—while you are accustomed to seat 1, 2 and 3, you must always remember how it felt in 27E because that is where one day you will go

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back, in seat 27E. [*Laughter*] You could enjoy 2A and 1A now, but one day you will be in 27E.

I saw Mr. Valley in 27E—he was a big gentleman—he had difficulties sitting and he told me, “Roody, this is life”. He had to work in Jamaica and some of the Caricom territories because he felt at the time—he told me—there were no opportunities for him in Trinidad and he had to work elsewhere. Many Members, actually, do get employment in some other Caricom territory and so on, when they demit office. Sometimes you demit office and the incoming administration even want to prosecute you, so you take off as well.

Mr. Speaker, the point I am making is that this hardship and the termination benefit is meant to provide some temporary relief while Members could catch themselves and return to some type of employment and pursue some types of jobs and so on. So, that is why we have introduced this. It is certainly not a permanent payment; it is not that we are giving people a huge grant forever. It is just for that adjusting in that short time, to continue to meet your bills as the case may be; continue to pay whatever liabilities—

**Hon. Member:** Pay for your car.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I remember in the 1980s a former Minister of Government, Jennifer Johnson, had a beautiful Royal Saloon, I think it was PAW10. I see that car after they demit office, it was HAW10. [*Laughter*] It turned a taxi. A lot of these beautiful Royal Saloons in those days, as soon as you demit office you moved from “P” to “H” because you sell the car and the person buying the car, of course, make it for hire because they want to work taxi, because you cannot maintain the car; you cannot go by.

Mr. Speaker, these are real issues.

**Dr. Gopeesingh:** And the State asks you to pay back the loan right away.

**Hon. Dr. R. Moonilal:** Yes, Mr. Speaker, when you demit office they call you back and demand that whatever you have outstanding—it is a brutal world, eh, when you demit office. When you demit office you discover that you need to return everything immediately before they send the police to collect it. You return everything; your cell phone; computer, if you have that; keys, if you took keys. You return it.

I remember, Mr. Speaker, in Holland, when I was at the university, we were in the post-graduate programme and everybody speaking nice with us; very welcoming, warm and comfortable. The day after graduation, when I went to the



university, the card I was using was deactivated. The locker I had, they changed the combination because you have graduated, you are gone, the day after. As a Member of Parliament, as a Minister of Government, you leave office, everything turns upside down the next day. So, there is need for this type of help. I do not think anybody can make any complaint about that.

So, Mr. Speaker, in summing up I wanted to say that the Government chose to bring these measures to the Parliament—bring them together—so that on this one day we correct an historical imbalance but we correct it for all those who served in the three estates of the State. Today, that imbalance is corrected for all, not one; not only the judges and not the Members of Parliament; not only a cabinet member and not a backbencher—everyone. We address that tonight.

I think, Mr. Speaker, while I agree that tonight we take decisions in our interest as well, if we do not protect the sanctity of this office, do not provide realistic and humane arrangements for those who occupy this office, we are also effectively belittling the office. You are also belittling the office. We must not also participate in our own degradation. We must not allow ourselves to belittle our office as others will do and others are happy to do that. We must not do that.

We must create the sacredness of this office. This is why they call us honourable as well, because you are expected to have a certain standard of conduct, a certain standard of care and a certain work ethic that you require from this office. Countries of the world—certainly the mature democracies—provide for terms, conditions and benefits upon retirement that are worthy of an office. This is not an issue that is of the Member for Oropouche East, the Member for Diego Martin, whatever his name is, from here from there. This is the office. Long after we go, others will come and occupy the seats and they will be provided for as others who have been here before provided, in a way, for us.

Mr. Speaker, with those observations and remarks, I want to say that we do have a couple amendments to make. They are to be minor amendments, grammatical and for elegance and drafting and so on and not of any significant policy purport.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

**Mr. Speaker:** May I also remind hon. Members that leave has been granted for the debate on both Bills to be taken together although the question will be put separately on each Bill to satisfy the procedural requirements.

**9.35 p.m.**

**Dr. Keith Rowley** (*Diego Martin West*): Thank you very much, Mr. Speaker. I rise in this House tonight as representing an institution which is important to the well-being of the people of Trinidad and Tobago, and to take part in what probably would be the most uncomfortable proceeding that I would have taken part in. But I have a responsibility, not just to myself, but to others, and it is from the standpoint of discharging that responsibility to others that I would take no issue with what had been said by my colleague from Oropouche East, [*Desk thumping*] because he has stated facts on this matter, and facts are difficult to erase or to manipulate, and I have no intention of erasing or manipulating the facts as they relate to the interesting lives of parliamentarians in Trinidad and Tobago.

I speak here, Mr. Speaker, bar one, as the most experienced person in the House at this time during this period of existence, and therefore, I have a responsibility to take an approach on this matter which is fitting of my standing as the most experienced person in the House. I would not refer to my own experiences, because it is not necessary. I think the Member for Oropouche East did a good job in describing the circumstances surrounding parliamentary life and our responsibility to the State.

You may recall, Mr. Speaker, during the Motion on the presentation of the treatment of emoluments for certain officers who fall under the Salaries Review Commission, I made a contribution in this House with respect to Members of Parliament. My argument was, that even if what was there before had sufficed to bring us to where we are, that we have a problem now which needs to be addressed and that the SRC had in fact ignored it, and the problem will remain and get worse. And that problem was, Mr. Speaker, that our responsibility had grown exponentially over the years, and I do not know how many persons know that the structure and arrangements in place for dealing with the national budget at \$300 million remain basically the same where the budget in the order of \$60 billion. And the requirements of Members of Parliament to be available to the Parliament is an urgency in Trinidad and Tobago which ought to be addressed, and Members of Parliament have a responsibility to the population.

But the arrangements of working part time and having emoluments computed in the context of part-time would not do, against the background of a Parliament which has just agreed that we would now be functioning in about seven or eight committees by way of new arrangements that come into force later this year, I think it is. I was so concerned about that and the unavailability of Members to the

House—[*Interruption*]

**Mr. Speaker:** Hon. Members, I am getting a feedback. So could I ask you to allow the House to listen to the hon. Leader in silence? Continue, hon. Leader.

**Dr. K. Rowley:** Thank you, Mr. Speaker. So concerned was I about the arrangements with respect to the availability of Members to the House to discharge the important responsibilities of managing the public affairs, that I wrote to the President of the Republic and presented him with a copy of what I recorded in the *Hansard* as the argument for ensuring or taking steps to make sure that Members are available to the House, and to have that done, that Members be treated seriously by the SRC. And since the SRC said that they could not treat with House Members, because they did not know what we do and they will have to carry out a job evaluation exercise, I asked the President to so instruct the SRC to do that as a matter of urgency.

Mr. Speaker, it appears to be that the argument that I raised in this House about availability of Members on a full-time basis to bring management and monitoring to the State's affairs did not impress, because I am yet to receive a response from the Office of the President on this matter. I consider this to be a very serious matter because, in the face of unsatisfactory monitoring, unavailability of Members and, in fact, emoluments that do not reflect the workload as it exists—far less as it will exist in the coming months when the new arrangements come into place—I think that this matter remains on the Table.

Today, we are dealing with the afterlife—pensions—not arrangements, emoluments for while you are at work. So, I will have great difficulty—even though I have some concerns about some of the proposals—voting against this arrangement when the parallel arrangement of, “when you work” you do not get the considerations of the SRC, and when you are in your final stages, you also would have denied yourself what is required to live decently and properly after, and that is where I come from.

Mr. Speaker, as a long-standing Member of this House, I have on many occasions been approached in private and sometimes with a certain amount of embarrassment, because it is not easy for a former member of the Appeal Court, some similar member of the bench, to approach a politician in office to plead a personal case of hardship, and when the wife of such a person does that, Mr. Speaker, it breaks your heart. And I have been approached on many occasions where people who have served this country well, and in the twilight of their years, find themselves having to approach existing politicians to plead a case which has been quite properly presented here by the Member for Oropouche East.

Mr. Speaker, I would not go into any details of this, except to say that there were Members of Parliament who served this country well, and it does not matter what side they served on, but they served well, and the country benefited from their service and sacrifice—and for whom, the location Balisier House, was a place where the devil lived—but in their period of hardship at the end of their parliamentary term they found their way to Balisier House to plead a case asking for help.

Mr. Speaker, against that background, when we came into office, I said to my colleagues and the Government that this matter has to be addressed, and that the Opposition will support proposals of the Government to address this matter, once and for all. Today is that day. The proposal before this House, Mr. Speaker, had some input from some Members on this side, and however it goes, we take responsibility for what goes to the House today, and we also take responsibility for acknowledging that there are three arms of state: there is the Executive, which is the Cabinet; there is the Judiciary; and there is the Legislature. These three arms of state, the people who serve in these arms they are in fact, I would say, on equal standing, and their service is what is required to manage the affairs of the people of Trinidad and Tobago. And we make no distinction in the pension arrangements as has been said by the Member for Oropouche East.

There are a couple of things in the arrangements—I am seeing them for the first time in the printed form because I did not take part in any of the proceedings, any of the discussions or any committees or anything like that. I saw the proposals for the first time and I would be—I just want to express, left to me alone, I would have had, if I was making certain recommendation, I would have made certain recommendations of a less generous nature. But maybe I belong to the old school, of the Member for San Fernando East, whose position was described by the Member for Oropouche East as belonging to the era of meeting MPs under a house, meeting constituents under a house and so on. I do not think I will go that far back, but I would acknowledge that one or two of the provisions are fairly generous, because I have a problem, a little problem with two of the—it is not that I am opposing the proposals, I am just expressing my concerns that, left to me alone, and it is not left to me alone, I am not acting on my own behalf, I am representing people, and this is an act of representation.

But with respect to the arrangements that we are putting in place for, let us say the judges, which also—that particular arrangement only applies to them so I mentioned it. The idea of judicial contact, which is something—an allowance which we are now saying we will make pensionable, I think that that was a little on

the generous side, because during the serving period, judicial contact is really by those who make the payments, the taxpayers. It is really a payment that contributes to your performance on the bench. It is to assist you in remaining current, so it is called judicial contact. But we know what it meant. It used to be something called “home leave” at one time and then it was changed to judicial contact, and there was no problem in paying it when you are actually working.

But, to make it pensionable now when you are not in the service I think that is a little generous. But I would not, on the basis of that, not support what has been proposed. And of course, for those who enjoy something call, duty allowance, the duty allowance is paid to assist you while on duty. So when you are moving to pensionable stage then the taxpayer probably will have a problem paying the duty allowance as a pensionable item.

But those are observations, Mr. Speaker, not fatal, just observations, and it is from that standpoint I thought the same thing applies where duty allowance applies to Members of the House. And I do not know who gets—Members of the House may or may not have, I am not sure that we even get that. But other than that, Mr. Speaker, other than those two observations, which as I said I will not oppose the package, because I understand, where it is coming from. Judges are eminent lawyers who give up careers in the legal fraternity to serve, not in a cloistered way, but in a restrictive way. I can tell you, Mr. Speaker, judges live a life that I personally would not want to live.

**9.50 p.m.**

Some people think that it is a glamorous, or it is a great job and so on, but the life—you are deprived of certain things. I belong to a golf club—belong to many golf clubs—and some members on the bench play golf. Mr. Speaker, you know, they have to be careful, when they come, to not end up on a four-ball with me, not because I am smelling bad, or because “ah cyar” play, or because I am going to discuss a case with them, but because they cannot be seen to be socializing because some cynic will say, “Yuh see, dah is why the case was decided in that way”.

There are functions to go to. They cannot go because X or Y would be there. And it is a life that you choose, and that is a sacrifice. Emoluments-wise, there are many two-by-four lawyers, and I know some of my colleagues “doh” like that term—*[Interruption]*

**Hon. Member:** “Doh use it.”

**Dr. K. Rowley:** All right, four-by-four, *[Laughter]*—who, in one brief—in one brief—would earn more than a judge will earn for the whole year. Then you have

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the restriction after you retire, you cannot practise for 10 years. All of these are things you take into account when you decide to be generous, and that is a term that I have used, in ensuring, Mr. Speaker, that persons who make that sacrifice, not have to look over their shoulders, or worse, look down the road and determine whether their lives have been such that in the twilight—and more importantly, if they have dependants, as they most always do, that their dependants can continue to live comfortably in a community which they have helped to build.

I have no doubt, Mr. Speaker, that this subject will be the subject of interesting evaluation and even recrimination on the part of some, but when examined against reason and logic on a comparative basis, I think that the reasonableness of it in all the circumstances, would prevail.

It was only when I was looking through the research as provided to me in the volumes that my colleague from Oropouche East mentioned and, thankfully, did not read, I discovered how poorly off we were in Trinidad and Tobago. I knew at the personal level it was, because in my own case, having been in Parliament for 28 years, I have reached the stage where a percentage of my salary is taken every month as a contribution because the pension for Parliamentarians is a contributory pension plan. From your salary, you make that contribution. And by virtue of what is there now, I have qualified for a pension, but I am still earning and I am still paying this percentage of my salary into a pension plan with no prospect of any improvement in what I get out of it.

That cannot be fair, Mr. Speaker. That cannot be right. I did not make a case of it, but it was only when I looked at the research of the whole arrangement and compared it with our Caricom colleagues and elsewhere in the Commonwealth, that I realized that we had, in fact, fallen down on the job in ensuring that parliamentarians had a proper pension plan in place. On that basis, Mr. Speaker, I think it has been a long time in coming.

I had no idea, as a Member of the Cabinet, that a delegation of judges had gone to the Prime Minister and made this case in 2005. I knew of individuals who had spoken to me, but I never knew that a delegation of judges had gone to the Prime Minister to plead a case of hardship. Maybe I can say had I known that, I might have acted differently, I do not know. But the bottom line is, that is now on the record, and 2005 and 2014, a long way apart. I do not know if any improvement came.

The Member for Oropouche East, the Leader of Government Business, mentioned the built-in proposals to protect from the ravages of inflation. That is

important, Mr. Speaker. I came into the politics a long time ago and I associated with some of the stalwarts who served as Cabinet Ministers in this country, and I happened to be, you know, exposed to them when they left office, and I have seen them not being able to buy a car to replace an old car, because inflation has made the pension virtually gasoline money. Can the country afford that? Or can we not? I am sure we can afford a decent pension for parliamentarians.

I notice that in the arrangements that we are going back to 1976. I do not know how many Members—how many persons—would qualify way back to 1976. But it is a small number of people—small number. But, more importantly, I do know a number of persons who, in the period '80s into '90s, who served and, in fact, would benefit from the reasonable pensions that they can now access. There will be no back pay. My reading of it, I am advised that I am reading it correctly. There is no back pay going back there, but there will be an upward evaluation payable now to these people.

Mr. Speaker, some of them that the Member for Oropouche East mentioned, that they did not just serve in Parliament. They might have ended up as Parliamentarians, but they served in a variety of capacities. And, of course, you know, there are cynics who say, “well, nobody call yuh. Yuh offer yuhself, so take whatever is available. Take it, otherwise somebody else would do it”. That is not how it is done. It is whether, in fact, the service is worthy of your presence and whether, in fact, you made a contribution to national development.

There are a couple names I can call, Mr. Speaker, who will benefit from these arrangements now—not that they ask for it, but that I am happy that they will have it—people like Marilyn Gordon, Trevor Sudama, Hugh Francis, “Bunny” Padmore, Pam Nicholson. If there are people in this country who begrudge these people a decent pension for the public service that they have given to this country, then I wish to dissociate myself from those cynics.

Mr. Speaker, when the issue of the emoluments came up and I stood up here and I took issue, and I took issue publicly with the poor job that was done by the SRC, the House Committee had looked at it and some proposals came from the House Committee to deal with the emoluments, and, to me, it was unfortunate that the Government did not, at the time, accept the recommendations of the House Committee.

So even as we are dealing with the pension matter now, rectifying it for all times in the distant future, there still remains the problem of the need for full-time Parliamentarians with appropriate emoluments so that the job of a Parliamentarian

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can be properly discharged and that the public interest can be properly served. That remains outstanding—remains outstanding.

I hope that the Office of the President is hearing this and would respond, hopefully, to the request of the commission to look at Parliamentarians and ensure that Members of this House are treated like the other arms of the State. And in our own policy on this side, in all of these matters of emoluments and service and so on, we made it quite clear that one of the things that we would do, coming into office, is to operate a much smaller Cabinet so as to release Members from the Cabinet to function in the Parliament and provide proper Parliamentary oversight and service.

But that can only work well if Members do not have to fight to get in the Cabinet to get a decent and fair emolument. Members of Parliament must first and foremost be paid as Members of Parliament and paid properly and be made full-time to the House. Those who serve in the Cabinet will have a different arrangement—more elevated arrangement, but the basic arrangement for a Member of Parliament must be properly looked at and properly served.

I had the time to do a little computation of what it means, what exists now as against what will happen. As it stands now—and, again, when I first heard that the intention was to make the first qualifying cut from five years to four years, my first reaction was—I was kind of being cynical—is it that my colleagues on the other side know they are going home and they are fixing themselves? Because four years would mean that they will all qualify. And then when I looked at the comparisons across the Commonwealth, I realized that four years was on the high side. Many people would qualify after three years.

This is a recognition, Mr. Speaker, that the life, the stress and the circumstances of Parliamentary service is not as lightly taken as some people want to take it. So after four years, a Minister of Government who would have served, would get one-third of the computation—will allow a Minister of Government to get \$13,000 a month. I know there is somebody who will go and look at the other end of the scale where it is much larger, and make that the hot story in the papers. But there are very few Members who serve for 18 years and more. That is why I look around here and I do not see many of my original colleagues.

**Mr. Imbert:** Three.

**Dr. K. Rowley:** I see one short one and one tall one. [*Laughter*] One tall one is gone. There are only three of us in here who qualify, but after eight years—and



eight years means two Parliamentary terms; two full terms. That is 10 years, pretty much. And a Minister of Government—if you say it was a Minister—after 10 years as a Minister, you get a pension of \$20,000 and it is taxable—taxable. “Doh forget dat.” So you get \$20,000 that is taxable, and it is a pension that you have contributed to. So for those who will see it as a giveaway and a feathering of the nest, it is a contributory pension plan which you have been contributing to all the years you have been in Parliament. What is it, 5 per cent or 7 per cent, something like that?

**Mr. Imbert:** Six per cent.

**Dr. K. Rowley:** Six per cent. So throughout your service in the Parliament, 6 per cent of your salary has been going into the Parliamentary pension fund, and this \$20,000 after 10 years is taxable at a minimum of 25 per cent, or some similar figure. So figure out what you actually get in your hand.

Now, if you serve over 10 years, or even up to 14 years, you get \$24,000. That is not overly generous. And, of course, if you did what I did, which is to give up tenure in the university as a professional person, give up pension in pound sterling and choose public service and to stay the course and end up in this House for 28 years, if there is someone who begrudges my pension, too bad.

Mr. Speaker, a Member of the House who was not a Minister, a fella called Hardeo Hardath—you remember him? He served these disrespectful—

**Hon. Member:** Oh God, no!

**Dr. K. Rowley:** He represented Nariva for three terms—15 years. He was never selected for the Cabinet, but the people of Nariva would tell you that they wanted him to represent them. His silence was golden. [*Laughter and desk thumping*] A Member who falls in that category and similar category, if today that happens, that Member will be getting \$17,000 a month, which is less than the housing allowance of some people on the state payroll. And after four years you qualify and that person will get a pension of \$5,000 a month. And then, of course, if he stays in that category and did not attract the eye of the Prime Minister, for 15 years after, he gets \$13,000, having contributed for 15 years into the pension at 6 per cent and would pay a tax on his pension.

So, Mr. Speaker, that is what exists now, and the new proposals are, in fact, a significant improvement on that, and I think if it is significant enough to attract qualified citizens, male and female, the young and the not so young, to come into public life and to serve without fear of deterioration later on, then it means that

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some of the best talent available in Trinidad and Tobago would become available to public service and public service may, more than likely, return to the golden age of public service in Trinidad and Tobago.

**10.05 p.m.**

Mr. Speaker, I do not want to belabour the points because they are statements of facts which cannot be rebutted by other facts. I think the comparisons with the Commonwealth are reasonable, comparisons with the Caribbean Commonwealth we are still not at the best because I think Jamaica and Barbados are still better, but we are somewhere in between, and Trinidad and Tobago can afford its parliamentarians a comfortable retirement.

Mr. Speaker, we support the Bill. [*Desk thumping*]

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker, and thank you Member for Diego Martin West, the only speaker on the Opposition Bench and clearly representing the view of the bench.

Mr. Speaker, just a couple points in this very, very short winding-up of the two Bills to really reiterate a point raised by the Opposition Leader, which I did not raise in the opening, that the pensions payable to Members of Parliament are indeed taxable. So even when you demit office in your retirement years, you continue to contribute to the country. You continue to contribute to the country through your payment of taxes.

Mr. Speaker, as the Member for Diego Martin West reminded us, it is also a contributory pension plan that many of us, for many years, have contributed to, and I was very happy that the Member actually took the new arrangements and worked it out very simply as to the average and what Members would get, four years, 10 years, 14 years.

Mr. Speaker, I was looking at his bench and when he was saying four years I looked at one Member; when he said 10 years I looked to a next Member; when he said 18 years I looked to the next Member; well less than four years I looked to another Member—so we worked out the arrangements for his colleagues there easily. I am not sure, Mr. Speaker, after next year—I was making a remark to my friend, the Member for Diego Martin North/East, that next year is a historic year in several ways, in that, it might well be the last year that Members of Parliament, since 1962, would wear a balisier tie. But he assured me that he will not surrender the tie, the Member for Diego Martin North/East, and in the event that he catches

the eye of the leader he would continue. [*Laughter*] [*Interruption*] Mr. Speaker, I can do that in closing.

So, Mr. Speaker, the arrangements before me—I was very happy that the Leader of the Opposition actually pinpointed the type of arrangement. Because you see, Mr. Speaker, you know the society we live in, we know the society we live in. We hear. You know, people will look at this and they will make remarks and so on, and nobody will bother to say that really it is \$5,000 you are dealing with, nobody will say \$17,000 taxable, nobody will say \$20,000 taxable—[*Interruption*]

**Hon. Member:** And you contributed to it.

**Hon. Dr. R. Moonilal:**—and that you contributed to it, that you contributed to this, this was not gifted to you. Nobody will make that point. So it is a very important point.

Mr. Speaker, concerning the Senators and persons who are in the other place and are now included in the definition, our understanding from the legislation is that those persons, going back to 1996 I believe, they will have to make the contributions pursuant to provisions in the parent Act. So the parent Act would provide for persons who are Members of this scheme to put into the pot, to make up, so that they could benefit by way of the pension. So that persons in the other House would have to put it in the pot that goes back to 1996 to receive any benefit from this new arrangement. They would contribute as well.

**Dr. Gopeesingh:** Lump sum?

**Hon. Dr. R. Moonilal:** They will be able to do that pursuant to arrangements in the parent Act. It is already provided for, but because they would be a new category coming in and taking effect when this amendment Bill becomes law, they will also have to pay, back pay in a sense, into the arrangement.

Mr. Speaker, the issues were also well articulated by the Member for Diego Martin West. For the record, the Member for Diego Martin West, I think he joins only the Member for Diego Martin North/East and the very distinguished Member for Fyzabad, as Members that qualify with the 18 years—[*Desk thumping*] since 2009, qualifying for the arrangements at the highest level, followed by a few other colleagues, I think the Member for Barataria/San Juan, the Member for Naparima, the Member for Oropouche East. The Member for Mayaro is also clocking in some years, but he would have preferred to use “terms of Parliament service” [*Laughter*] rather than “years” because he may have served about five terms, but we are not sure of the aggregate in years.

**Dr. Gopeesingh:** This year I reached 13.

**Hon. Dr. R. Moonilal:** So the Member for Caroni East as well would benefit from that.

So, Mr. Speaker, some calculations would be done, some work would certainly have to be done on the matter of the Members of the Senate that would contribute. And with those very few words, I beg to move and look forward to the support of all Members of the House. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, as I said, we are dealing with the two matters separately.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clause 1.*

*Question proposed:* That clause 1 stand part of the Bill.

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 1 be amended by changing 2013 to 2014.

**Mr. Chairman:** Members, you follow? We are changing 2013 to 2014 in clause 1.

*Question put and agreed to.*

*Clause 1, as amended, ordered to stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, the version I have says 2014. Was there a 2013? The one I have says 2014. It does not matter, you know. We know it is 2014, but the version I have says 2014.

**Mr. Chairman:** The one I have is 2013, but we just wanted—[*Interruption*]

**Dr. Rowley:** [*Inaudible*] advanced copy.

**Mr. Chairman:** Out of an abundance of caution, you know.

**Mr. Imbert:** It does not matter.

**Mr. Chairman:** It does not matter.

**Mr. Imbert:** We know it is 2014, so let us get it right.

*Clause 2 ordered to stand part of the Bill.*

*Clause 3.*

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

**Dr. Moonilal:** Mr. Chairman, I beg to move that clause 3 also be amended at subsection (a) to read:

“Judges Salaries and Pension (Amendment) Act, 2014”.

*Question put and agreed to.*

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

*Clauses 4 to 7 ordered to stand part of the Bill.*

*Clause 8.*

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

**Dr. Moonilal:** Mr. Speaker, I beg to move that in clause 8 at the end, the certificate be changed from 2013 to 2014.

*Question put and agreed to.*

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

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

*House resumed.*

*Bill reported, with amendment.*

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

**10.20 p.m.**

**Mr. Speaker:** Division?

*The House voted: Ayes 29*

AYES

Moonilal, Hon. Dr. R.

Ramadhari, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Seemungal, Hon. J.

Khan, Mrs. N.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Indarsingh, Hon. R.

Douglas, Hon. Dr. L.

Roopnarine, Hon. S.

Alleyne-Toppin, Hon. V.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

Mc Donald, Miss M.

Rowley, Dr. K.

Hypolite, N.

Imbert, C.

Jeffrey, F.

Deyalsingh, T.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

*Judges Salaries (Amdt.) Bill*

*Friday, June 13, 2014*

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**RETIRING ALLOWANCES (LEGISLATIVE SERVICE)  
(AMDT.) BILL, 2014.**

*Order for second reading read.*

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move:

That a Bill entitled the Retiring Allowances (Legislative Service) (Amdt.) Bill be now read a second time.

*Question proposed.*

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

*Clause 5.*

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

**Dr. Moonilal:** Mr. Speaker, I beg to move that clause 5 be amended as circulated:

A. Delete paragraph (g) and substitute the following paragraph:

“(g) in subsection (1A), delete the words “(1)(a)” and substitute the word “(1)”; and”.

B. Delete paragraph (h) and renumber paragraph (i) as paragraph (h).

*Question put and agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6.*

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

**Dr. Moonilal:** Mr. Speaker, I beg to move that clause 6 be amended as circulated:

*Retiring Allowances Bill, 2014*

*Friday, June 13, 2014*

In the new section 6A(2), delete the words “that date” and substitute the words “the commencement of the amending Act,”.

*Question put and agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7 ordered to stand part of the Bill.*

*Clause 8.*

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

**Dr. Moonilal:** Mr. Speaker, I beg to move that clause 8 be amended as follows:

Renumber the clause as clause 8(1) and insert thereafter the following new subclause:

“(2) Subsection (1) is deemed to have come into effect on 21<sup>st</sup> November, 1996.”.

*Question put and agreed to.*

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

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

*House resumed.*

*Bill reported, with amendment.*

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

**Dr. Moonilal:** Division.

*The House voted: Ayes 29*

AYES

Moonilal, Hon. Dr. R.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.



Seemungal, Hon. J.  
Khan, Mrs. N.  
Roberts, Hon. A.  
Cadiz, Hon. S.  
Baksh, Hon. N.  
De Coteau, Hon. C.  
Khan, Hon. Dr. F.  
Douglas, Hon. Dr. L.  
Indarsingh, Hon. R.  
Roopnarine, Hon. S.  
Alleyne-Toppin, Hon. V.  
Partap, C.  
Sharma, C.  
Ramadharsingh, Dr. G.  
Mc Donald, Miss M.  
Rowley, Dr. K.  
Hypolite, N.  
Imbert, C.  
Jeffrey, F.  
Deyalsingh, T.  
Browne, Dr. A.  
Thomas, Mrs. J.  
Hospedales, Miss A.

*Question agreed to.*

*Bill reported, with amendment, read the third time and passed.*

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Monday, June 16, 2014 at 10.00 a.m., and serve notice, on that day, on Monday, there are

*Adjournment**Friday, June 13, 2014*

several Bills on the Order Paper where we are in the final stage of debate and are needed to proceed. Those Bills will be dealt with on Monday. They include, one: an Act to amend the Administration of Justice, Chap. 15:01; second Bill: a Bill entitled an Act to amend the Land Tenants (Security of Tenure) Act, Chap. 59:54; third: a Bill entitled an Act to provide for the purchase by Government of certain rights belonging to shareholders and depositors of the Hindu Credit Union Co-operative Society Limited; number four—Mr. Speaker, we are also in the final stage—an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50; four Bills.

Mr. Speaker, on that day, we also intend to continue debate on the Bill started today, an Act to amend the Prisons Act, Chap. 13:01, the Criminal Offences Act, Chap. 11:01 and the Mental Health Act, Chap. 28:02. Those are the matters for the agenda on Monday, June 16, 2014 at 10.00 a.m. I beg to move.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 10.32 p.m.*

**WRITTEN ANSWER TO QUESTION**

*Pursuant to his reply to Question No. 131 earlier in the proceedings, the Minister of Arts and Multiculturalism (Hon. Dr. Lincoln Douglas) caused to be circulated to Members of the House of Representatives, the following statistics:*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
	D Entertainer's Calypso Tent	Patricia Bennette – Secretary	Carnbee Main Road, Tobago	702-5609	Funding for Carnival Tent 2013	\$50,000.00
	Divas Calypso Cabaret International	Rudolf Ottley		680-7722	Funding for Carnival Tent 2013	\$150,000.00
	D'Massive Gosein Roving Chutney Calypso Tent	Nermal Gosein – Director	224 Motto Street, Marabella	758-3465	Funding for Carnival Tent 2013	\$200,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
	Kalypso Revue	Michael Osuna – Chairman	39 Onyx Drive, Bon Air Gardens, Arouca	646-8191 797-5850	Funding for Carnival Tent 2013	\$350,000.00
	National Action Cultural Committee	Aiyegoro Ome – Servant Chairman	40 Duke Street, Port of Spain	623-5470	Funding for Carnival Tent 2013	\$1,000,000.00
	National Chutney Calypso Touring Tent of Trinidad and Tobago	Oswald Lewis – Tent Manager	Suite 10, Cruise Ship Complex, Wrightson Road, Port of Spain	624-1024 308-8345	Funding for Carnival Tent 2013	\$63,000.00
	Tobago Cultural Committee		Highmoor, Wilson Road, Scarborough	339-0842	Funding for Carnival Tent 2013	\$500,000.00
	Traditional Calypso on the Move	Morel Peters	E.P. 109 Saddle Road, Maraval	684-2246	Funding for Carnival Tent 2013	\$140,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
	Yangatang	Shirley King – P.R.O.	28 Hunter Street, Woodbrook	622-6687	Funding for Carnival Tent 2013	\$75,000.00
1	Angel Harps Steel Orchestra	Neville John – PRO	Cnr Olton Road & Eastern Main Road, Tunapuna	799-9009 489-1924 704-7232	Panorama 2014	\$40,000.00
2	Brazil Cultural Carnival Committee	Keith Marguis – President			<b>Carnival Activities:</b> Kiddies Carnival Traditional mas J'ouvert  Monday and Tuesday Mas Parade  Junior & Senior Calypso Competition Steelband	\$80,000.00
3	Curepe Presbyterian School	Joan Ramsaroop – Acting Principal	Lyndon Street, Curepe	622-4120	Annual Calypso Competition	\$2,501.25

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
4	David Cheltenham	David Cheltenham	Crow Trace Chinapoo, Morvant	627-9700 ext 2529	Recording of Music CD for Carnival 2014	\$2,000.00
5	Dreamers Network of Artists	Leslynne Matthews – Artistic Director	20 Donaldson Street, San Fernando	374-6605 766-1530	Audio/Visual Presentation on Culture and Carnival Traditions	\$14,000.00
6	Eccentric	Avikash Shawn Dhanraj	7 Stella Street, Curepe	754-0394 355-9810	Carnival Presentation Sandy Toes and Salty Kisses	\$3,000.00
7	Higher Limits – Sports and Cultural Club	Karen Sealy – Secretary	19 Blue Bird Avenue, River Estate, Diego Martin	625-2893 473-4359 772-8493 302-7269	Children’s Carnival Parade To showcase various bands in the area	\$3,000.00
8	Holy Name Convent Past Pupils Association	Yvonne Roberts – White	2 Queens Park East, Port of Spain	791-7431	Vintage Fuh So Pays tribute to four legendary acts - The Mighty Sparrow, The Lord Kitchener, Lord Melody and the Roaring Lion	\$10,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
9	IsWe Community Developers	Victor Thongs – President	32C Nelson Street Port of Spain	625-0279 765-4832	Annual Junior Calypso Competition Junior Parade of the Bands	\$20,000.00
10	Kelly and Associates/K and Caruth Associates	Gail Ann Kelly – Band Leader	2 Thomasos Terrace Extention, Sherwood Park, Arima	384-3537 354-7271	<b>Junior Carnival Band</b> Having Fun Under d Sun	\$10,000.00
11	Marabella Unemployment Welfare Committee	Junior Calliste – Chairman	2 Busby Street, Marabella	715-0797 340-6326 369-7774 770-4741	Carnival Village Will comprise a Calypso Competition and other activities	\$20,000.00
12	Persons Associated with Visual Impairment	Bhawani Persad – Executive Director	54 6th Avenue, Barataria	674-0336 221-7979	To promote and showcase the artistic talents and skills of persons with visual impairment in the seasonal space of carnival	\$9,000.00
13	Precious Jewel Cultural Ensemble	Deann Clarke – President	c/o 7 Callender Street, East Dry River, Morvant	370-7109	Kiddies Carnival Presentation	\$2,500.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
14	Supernovas Steel Orchestra	Bheshem Ramlal – Treasurer	Surrey Village, Lopiniot, Arouca	646-7922 735-4235 777-3131 385-1544	Panorama 2014	\$27,500.00
15	Trinidad and Tobago Regiment	M. Gibbs – Lieutenant Senior Subaltern	1st Infantry Battalion, The Trinidad and Tobago Regiment, Port of Spain	622-7908 704-4847 343-4912	Army J'ouvert Band	\$ 6,000.00
16	Who' is we	Lennie Francis Brewster – Band Leader	3-5 Beverly Hills, John John, Port of Spain	370-5109	Tradition Mas Band 'Who'is We'	\$3,000.00
17	Inner city Cultural Committee	Stephen Osborne	27 Prince Street, Port of Spain	477-1233	Pan Monday Comprise of bands playing a tune of their choice and the tune must be played for 6 minutes on stage at ICCCs staging point	\$30,000.00
18	Angels on Earth	Chrystal-ann Eversley – Founder	165 Quintin O'Connor Street, Realspring, Valsayn	303-8501	Junior Carnival Band	\$3,000.00



*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
19	Princes Magdelene Musical Experience	Thecla Forde Rodriguez – Managing Director	71 Marigold Crescent, Coconut Drive, Morvant	681-0924 626-2169	<b>Carnival Celebrations:</b> Gospelypso Competition Launch of a steel orchestra Roving Gospelypso Tent	\$8,000.00
20	Maracas Bay Cultural Agriculture Youth Development Organisation and Sports	Kenny Whiskey – President	Pole 55, North Coast Old Bay Road, Maracas St Joseph	749-4927	<b>Carnival Celebrations:</b> Promote Carnival characters, showcase the musical talents and ability of the people of the community	\$5,000.00
21	Branches Sport and Cultural Club	Edwin Worrell – Manager	4 Valley Drive, Upper 6 <sup>th</sup> Avenue, Malick, Barataria	304-4912	Carnival Band presentation	\$15,000.00
22	Return on Investment Promotions Ltd	Richard Ferdinand		775-1313 346-6748	Red Army J’ouvert Band	\$4,000.00
23	Mt. Hope Connection	Keith Carrington – Bandleader	3 Gerbera Avenue, Phase 3, Macoya Gardens, Tunapuna	745-5626 645-5666	Carnival Activities	\$5,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
24	2 B.A.D. Promotions	Adrian Charles	76 Southern Main Road, Marabella	321-6073	Midnight Mas Portrayal	\$5,000.00
25	Trinidad and Tobago Red Cross Society	Vindra Amar – Chairperson	7AA Fitz Blackman Drive, Wrightson Road, Port of Spain	682-9646 480-7726	Greatest Show on Earth Children’s Carnival	\$20,000.00
26	Up and About Productions	Pascall Roberts	Lot #12 Stoer Drive, Petit Valley	772-1909 382-8101	Video Production for One Love and Unity	\$5,000.00
27	CLM and Associates Children Carnival Band	Charmaine Stephen Brutus	Lp #40 Upper Bushe Street, Maitagual, Petit Bourg	460-0697	Small Children’s Carnival Band	\$5,000.00
28	S.E.P.O.S. Cultural workshop	Michael Morgan – President	39 Picadilly Street, Port of Spain	221-4706 750-5053	Calypso Tent/Workshop To highlight and teach the various rudiments of the art form	\$10,000.00
29	The Arts Support alliance	Canute Spencer – Chairman	PO Bag 512, Newtown, Port of Spain	622-6907 628-6649	Carnival Sunday Fundraising Fete Towards providing scholarships and grants to young artists	\$50,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
30	Spektakula Promotions	Frank Martineau – Director	112-114 Picton Street, Port of Spain	628-8700	<b>Carnival Activities:</b> Battles of the Sexes Vintage Carnival Spektakula Generation Showdown- Karnival Komedey Spektakula	\$75,000.00
31	Banares Community Shapers	Cern Valentine	19 Banares Street, St. James	360-2610	Calypso Competition Targeting children from ages 5-18	\$5,000.00
32	Renegades Senior Members	Stephen Fletcher – Chairman	138 Charlotte Street, Port of Spain	346-8272	24 <sup>th</sup> Annual Mini Carnival and Prize Distribution	\$10,000.00
33	Arlene's Event Printery	Arlene Garcia – Mitchell	Opposite Lp #51, Happy Hill Febeau Village, San Juan	769-9721	Annual J'ouvert Celebration	\$4,000.00
34	Natasha Nurse	Natasha Nurse	Building 5 Apt 1A, El Dorado Heights, Target Road, Tunapuna	356-3180 768-6826	CD Production	\$2,500.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
35	Tehuti Creations	Joseph Charles – Director	5-7 Cockerton Street, Port of Spain	623-1324 304-4566	Carnival Presentation: The Dance of the Solar System	\$4,000.00
36	Carol Parris	Carol Parris		789-0272 746-2716	Ultimate Teenage Experience All Inclusive Carnival Event	\$32,800.00
37	Barataria/San Juan Rhythm Band	Godon David – Manager	16 Tenth Street, Barataria	725-7989 367-3060	Purchase of Musical Instruments	\$5,000.00
38	Workers Imparting Love Morality and Attention Counselling and Correction Service	Lawrence Mark – Director	Lp 64 Hingoo Lands, El Socorro Extension #2, San Juan	375-5980	1 <sup>st</sup> Annual Crime Prevention Calypso Competition Targeting persons from age 6-18	\$8,000.00
39	Acres of Joy Foundation	Sharon Fraser – Director	Corner Race Course Road & Orchid Drive, Evergreen, Arima	637-0621	Vintage Calypso Monarch	\$8,000.00
40	The Trinidad and Tobago Prison Service	Deopersad Ramoutar – Ag Superintendent of Prisons	8 New Street, Port of Spain	623-3581 478-2216	Annual Calypso Competition	\$20,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

No.	Name of Organisation/Individual	Applicant	Address	Contact Number(s)	Details of event/project	Amount Disbursed TT\$
41	TG's Liquor Mart and Friends	Thomas W. Gregoire	1 Farmers, Paramin Village, Maraval	629-8179 793-9853	5 <sup>th</sup> Annual Paramin Calypso Competition	\$3,000.00
42	Boissiere Village Children's Band	Richie Barkarr – Bandleader	Boissiere #1, Maraval	290-2713 622-6538	<b>Carnival Presentation:</b> “The Elements of Mas”	\$5,000.00
43	Antoninus Barkley		11 St. Vincent Street, Port of Spain	308-8809	<b>Mas Book Project:</b> Mr. Barkley will work with school children in Arouca by teaching them the art of designing	\$10,000.00
44	Miss TT Cosmopolitan Carnival Beauty Pageant	Frederick Sylvester – Director	Pole T69, Mausica Road, Arima	374-3725	1 <sup>st</sup> Annual Miss TT Cosmopolitan Carnival Beauty Pageant	\$10,000.00
45	Natalie Ward		Williams Avenue, Morvant	390-5432	Children's Band Theme is “Trini Never Never Land”	\$ 5,000.00
46	Victoria Creative Mas Company	Juness Garcia – Bandleader	Lp 80B Upper Sixth Avenue,	379-2859 383-8523	<b>Carnival 2014 Presentation:</b> Children's Band Adult	\$ 8,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
			Malick, Barataria		Mini Band 2 Senior Queens 1 Senior King 1 Junior Queen 1 Junior King 5 Junior Individuals	
47	Economy Strikers Sports and Cultural Organisation	Gary Jones – Vice President	Eastern Main Road, Sangre Grande	491-7801 668-2038	6 <sup>th</sup> Annual Carnival Judging Competition	\$ 4,000.00
48	Valsayn Trace Action Community	Manohar Singh – President	7 valsayn Trace, St Joseph	493-1256 759-0528	Annual Kiddies Carnival	\$ 5,000.00
49	Jerningham Village Council	Andy Smith – President	c/o Budhpp Boodram, Lp 84 Jerningham Road, Cunupia	757-8435	1 <sup>st</sup> Annual Kiddies Extravaganza	\$ 3,000.00
50	Role Modes Collaborated	Cleon Brewster – Director	56 Diamond Crescent, Bon Air Gardens, Arouca	359-3299 642-4876	Kiddies Carnival Band	\$ 9,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
51	Naparima Environmental, Sporting and Cultural Organisation (NESCO)	Brandon Jadoonanan Secretary	29 Cedar Hill Village, Princes Town	374-2351 360-3650	Calypso and Soca Competition. In addition to the competition, they have planned a display of traditional Carnival characters to help educate the young ones of traditional mas and to help them learn more about their culture	\$15,000.00
52	Joanne Foster	Joanne Foster	110 Pleasantville Circular, Orchid Gardens, San Fernando	792-2827 729-8951	Mini Album	\$ 6,000.00
53	9Km Penal Rock Road Community Council	Linda Ramphall– Mohan-Secretary	752 Penal Rock Road, Penal	332-8316 777-4249	The Carnival Jump Up will include a J'ouvert Band, Ole Mas, Kaiso Competition, Kiddie Band, Music and Distribution of prizes	\$ 2,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
54	Couva Action Committee	Kumarie Sookhoo	Isaac Settlement, Couva	341-2721	Carnival Extravaganza to benefit the entire community as well as neighbouring ones	\$183,590.00
55	De Nu Pub	Roderick Ward – Events Manager	41 Ariapita Avenue, Woodbrook	627-4042 787-8698	Will feature calypso greats such as the Mighty Sparrow, Chalkdust and Stalin	\$12,000.00
56	GW Contractor Ltd	Gerard Whymys – Project Director	36 Lakpat Road, El Dorado	350-0369	Music and Creativity in 2014	\$5,000.00
57	Jouvay Ayiti	Makemba Kunle - Creative Director		289-7117	Seeks to explore and document the significance of the world of major traditional Carnival artists and their contribution to the intangible heritage of our country	\$6,000.00
58	Laventille for Laventillians	Michael Matthews - Chairman	55 George Street, Port of Spain	379-2480	The Carnival programme seeks to rekindle Carnival, mas production and creating skills and entrepreneurs	\$3,000.00



*Written Answer to Question*

*Friday, June 13, 2014*

No.	Name of Organisation/Individual	Applicant	Address	Contact Number(s)	Details of event/project	Amount Disbursed TT\$
59	Laventille Welfare Committee	Allison Simmons – Secretary		320-0089 742-1955	Annual Kaiso, Soca and Extempo Competition seeks to showcase the youth of Laventille in all their splendour at our country's musical artform	
60	Len Frederick and Associates	Len Frederick – Band Leader	244 A Jokhan Trace Ext, Off Race Course Road, Carapo, Arima	307-2525	<b>Carnival Band 2014:</b> A Cry for Peace	\$30,000.00
61	Madras Government Primary School	Gladys Thompson – Principal Primary	Madras Settlement, Via Chin Chin Road, Cunupia	672-8026	To afford students of the rural community of Madras the opportunity to participate in Carnival festivities	\$5,000.00
62	Morvant/Laventille Regional Carnival Committee	Raquel Castillo – Coordinator	62 Crichlow Trace, Morvant, Laventille	304-9321	Calypso, Ole Mas and Competition	\$10,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
63	Nestor Village Council	Suresh Baran – President Celestine Peters – Secretary	Nestor village, Guica Tamana Road, via Sangre Grande	341-6849	Will feature a calypso, ole mas, steelband and Carnival King and Queen Competition	\$2,000.00
64	Point Fortin West Secondary School	Jasmin Ramoutar – Principal Ronnie Williams – Chairman	Reid Road, Egypt Village, Point Fortin	798-4997 684-3232	Grand Carnival celebration will include a Carnival King and Queen competition, a calypso competition as well as a Pan Shoot Out and after party for students	\$2,000.00
65	Pranava Educational Institute	Shrimati Ramroop – Principal	Temple Street, Bueacarro Village, Carapichaima	673-6596	Time Travel Bands will portray major aspects of history	\$5,000.00
66	ROAM the Mas	Michael Jobe – Band Leader	37 St. Ann’s Road, St Ann’s	495-9391	Oil	\$6,000.00
67	The Laventille Cultural Company	Devon Welch – Chairman	Lp 36 Corbin Terrace, Upper St Barbs Road, Belmont	307-8577	Recreating the Old to Something New	\$5,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
68	The Morvant Youth and Environment Development Organisation (MYEDO)	Garth Christopher	Cnr Morvant Avenue, Lady Young Road, Morvant	360-8303	5 <sup>th</sup> Annual Community Carnival activity will feature a series of events, such as a concert. Feature a variety of Trinidad's musical genres as well as a community cook-out	\$3,000.00
69	The Twelve Tribes of Israel	Raymond Boyce – Brother Benjamin	Lp 52 Sea Trace Ext, Diego Martin	632-0648 363-1162	Tent 12 To showcase talented members from the community, giving them an opportunity to grow	\$3,000.00
70	Women of Power Going Beyond Words	Charmaine Francis – President Abiola Charles - Secretary	Lp 52 Coffee Village, La Brea	340-4886 685-4094	Carnival Celebration in the La Brea district	\$8,000.00
71	Woodbrook Secondary School	Juliet John-Sambrano – Music Teacher  Shawn Tull – Principal	41-45 French Street, Woodbrook		Calypso Competition to encourage students to appreciate calypso as part of our culture	\$3,000.00

*Written Answer to Question*

*Friday, June 13, 2014*

<b>No.</b>	<b>Name of Organisation/Individual</b>	<b>Applicant</b>	<b>Address</b>	<b>Contact Number(s)</b>	<b>Details of event/project</b>	<b>Amount Disbursed TT\$</b>
72	City of Port of Spain	Raymond Tim Kee – Mayor Wendell Stephen – Contact Person	Mayor’s Hall, City Hall, 2-4 Knox Street, Port of Spain	299-0870 623-5403	Downtown Carnival Celebrations	\$100,000.00
73	The National Chutney Foundation of Trinidad and Tobago	Vidya Parsons – Coordinator	PO Box 4361 St Ann’s, Port of Spain	624-1024 356-8408	2014 Secondary Schools National Chutney Soca Monarch Competition	\$100,000.00
74	Zion-Child Promotions	Bernadette Marsha La Coa Cleave Joseph	7UP Avenue, Bye Pass Road, Arima	790-5706 378-2197	<b>Winx Club:</b> Junior Carnival Contribution	\$3,000.00
					<b>TOTAL</b>	<b>\$1,171,391.25</b>

Written Answer to Question

Friday, June 13, 2014

No.	Name of Organisation/Individual	Applicant	Address	Contact Number(s)	Details of event/project	Amount Disbursed TT\$
	The National Chutney Calypso Touring Tent of Trinidad and Tobago	Wendell Eversley – Tent Manager	Cruise Ship Complex, Wrightson Road, Port of Spain	624-1024, 377-2211	<b>Calypso Tent 2014:</b> Eight shows during the Carnival season that are free to the public	\$63,000.00
	D'Entertainers Calypso Tent	Samantha Brathwaite – Secretary	c/o Samantha Brathwaite, The Bower, Carnbee Tobago	307-8135	Calypso Tent 2014	\$50,000.00
	Traditional Calypso on the Move	Morel Peters – Secretary/Treasurer	EP 109 Saddle Road, Maraval	684-2246 305-4659 686-4626		\$140,000.00
	D Massive Gosein Roving Chutney Calypso Tent	Nermal Gosein – Chairman	224 Mottoo Street, Marabella	758-3465 313-4111	<b>Carnival 2014:</b> Their tent is free to the public and they will be hosting fifteen shows	\$200,000.00
	Yangatang	Shirly King – Public Relations Officer	28 Hunter Street, Woodbrook	622-6687	<b>Calypso Tent 2014:</b> The grand opening of the tent takes place on February 20 at City Hall and on February 21 at journey continues throughout T&T	\$75,000.00

Written Answer to Question

Friday, June 13, 2014

No.	Name of Organisation/Individual	Applicant	Address	Contact Number(s)	Details of event/project	Amount Disbursed TT\$
	Kalypso Revue	Michael Osouna – Chairman	39 Onyx Drive Bon Air Gardens, Arouca	797-5850 646-8191	Calypso Tent 2014	\$400,000.00
	The National Action Cultural Committee	Aiyegoro Ome – Servant Chairman	40 Duke Street, Port of Spain	623-5470		\$150,000.00
	DIVAS Calypso Tent	Rudolph Ottley – Manager	14 Lyndon Gardens, Phase 2, Arima Old Road, Arima	680-7722	<b>Women Only Calypso Tent:</b> The tent will be operating from the Mas Camp Pub in Woodbrook for this season	\$150,000.00
	Eastern Sports and Cultural Foundation Calypso Events					\$300,000.00
	Tobago Cultural Committee	Merle Armstrong – Secretary	Highmoor Centre, Wilson Road, Scarborough	660-7431	24 <sup>th</sup> Annual Calypso Competitions	\$500,000.00
	Randy Glasgow Productions					\$200,000.00
	Birds Calypso Tent	Cindy Ann Greene – Secretary	107 Beach Road, Palo Seco	755-7502 341-7894 649-4072	Calypso Tent 2014	\$50,000.00

Written Answer to Question

Friday, June 13, 2014

No.	Name of Organisation/Individual	Applicant	Address	Contact Number(s)	Details of event/project	Amount Disbursed TT\$
	CDC Kaiso Tent	Gordon Thomas – Manager	75 Henry Street, Port of Spain	712-0651 737-9897	Calypso Tent 2014	\$10,000.00
	D'Masters Calypso Tent	Lesli Ann Ellis – Secretary	c/o Henson Wright, Signal Hill, Tobago	391-5077 760-9801	<b>D'Masters Calypso Tent 2014:</b> Tent intends to carry on four shows commencing January 30, 2014	\$50,000.00
	Golden Gates Calypso Tent	Alex Gift – Chairman	13 Carrington Street, Old Works Building, Scraborough, Tobago	794-5222 382-5263	<b>Calypso Tent 2014:</b> Opening January 24 at Calder Hall Community Centre featuring 10 Calypsonians	\$50,000.00
	The Anti Bullying Association					\$50,000.00
	Calypso Palace	Malcolm King – Manager	42 Lady Young Road, Morvant	751-4428	<b>Calypso Tent 2014:</b> Tent will run through the month of February	\$8,000.00
						<b>\$3,796,000.00</b>

*Written Answer to Question*

*Friday, June 13, 2014*

**Payments to Caribbean Prestige Foundation for the Performing Arts (Soca Monarch) Company Ltd. 2014  
& Southex Event Management Company Ltd. 2014**

<b>ORGANISATION</b>	<b>AMOUNT</b>	<b>DISBURSED BY</b>
Caribbean Prestige Foundation for the Performing Arts	\$7,429,999.80	Arts and Multiculturalism: \$6,930,000.00 Tourism: \$2,000,000.00
Southex Event Management Company Ltd.	\$4,500,000.00	Trade, Industry, Investment and Communications: \$1,999,999.80 Community Development: \$1,000,000.00
<b>TOTAL</b>	<b>\$11,929,999.80</b>	