



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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3rd Session - 11th Parliament (Rep.) - Volume 18 - Number 34

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE ANNISLETTE-GEORGE  
SPEAKER

THE HONOURABLE ESMOND FORDE  
DEPUTY SPEAKER

**Friday 4th May, 2018**

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

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*Leave of Absence*

*Friday, May 04, 2018*

**HOUSE OF REPRESENTATIVES**

*Friday, May 04, 2018*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, the hon. Maxie Cuffie MP, Member for La Horquetta/Talparo, has requested leave of absence from sittings of the House for the month of May 2018. The hon. Kamla Persad-Bissessar SC MP, Member for Siparia; the hon. Faris Al-Rawi MP, Member for San Fernando West and the hon. Shamfa Cudjoe MP, Member for Tobago West 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 Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2017. [*The Minister of Finance (Hon. Colm Imbert)*]
  2. Public Accounts of the Republic of Trinidad and Tobago for the financial year 2017. [*Hon. C. Imbert*]
  3. Consolidated Audited Financial Statements of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2015. [*Hon. C. Imbert*]
  4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year ended September 30, 2013. [*Hon. C. Imbert*]
- Papers 1 to 4 to be referred to the Public Accounts Committee.*
5. Annual Report of the Strategic Services Agency, Ministry of National Security for the year 2015. [*The Minister of National Security (Hon. Maj. Gen. Edmund Dillon)*]

**URGENT QUESTIONS**

***Galleons Passage***  
**(Deficiencies detected)**

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Madam Speaker. To the Minister of Works and Transport: Is the Minister aware of the deficiencies of the

*Galleons Passage* that were detected by the United States Coast Guard during its inspection in Hawaii?

**Madam Speaker:** Minister of Works and Transport.

**The Minister of Finance (Hon. Colm Imbert):** I will answer that question. Thank you, Madam Speaker. No deficiencies were identified by the United States Coast Guard.

**Dr. Khan:** Is the Minister then saying that the number four main engine room oil leak has not been determined inoperable? Two, the fire-fighting system lacks—

**Madam Speaker:** One question please, Member.

**Dr. Khan:** No, no, all the same question. Also, the fire-fighting equipment lack nozzles and there also was a hazard free-standing diesel oil in containers?

**Hon. C. Imbert:** No.

#### **Communication with COP (Utilization of State Weapons by Police Officers)**

**Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*):** Thank you, Madam Speaker. To the Minister of National Security: Could the Minister indicate whether he has communicated with the Commissioner of Police in relations to the startling news that two police officers reportedly utilized state weapons to resolve a personal matter, and if so, can he advise what immediate disciplinary action does this Commissioner of Police propose?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam Speaker. Madam Speaker, yes, the Minister of National Security has held discussion with the Commissioner of Police relative to this matter. The Commissioner of Police has launched an investigation with an entire team led by Supt. David supported by the Professional Standards Bureau with an oversight by ACP Bucchan. He has given a clear mandate that this matter should be investigated urgently subsequent to which the necessary disciplinary actions will be taken; also indicated that this situation will not be condoned by the Trinidad and Tobago Police Service.

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, you said urgently; do you have a tentative date?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, urgently is now. He has already launched the entire team—the investigation team. It is happening as we speak.



**Madam Speaker:** Supplemental question. Member for Chaguanas West.

**Mr. Singh:** Thank you, Madam Speaker. Being a former member of the military, given the proximity of both policemen, are you surprised that the fact that 28 bullets passed and only three found their mark—six found their mark?

**Madam Speaker:** I will not allow that as a supplemental question. Member for Tabaquite.

**Water and Sewerage Authority  
(Issuance of Certificate of Assessment)**

**Dr. Surujrattan Rambachan (Tabaquite):** Thank you, Madam Speaker. Question to the Minister of Finance: Could the Minister inform this House whether instructions have been given by his Ministry through his various offices and divisions to cease issuing certificates of assessment required by WASA to authorize certificate of clearance without which conveyances cannot be completed?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. No instructions were given by the Ministry of Finance with respect to this matter.

**Dr. Rambachan:** Madam Speaker, is the Minister aware that the BIR division, which is a division of the Ministry of Finance, gave such instructions at least to the revenue office in Siparia?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. The Board of Inland Revenue is a semi-autonomous agency—[*Crosstalk*] autonomous, independent, whatever word you want to use. Under the Income Tax Act and the other laws governing the operations of the Board of Inland Revenue, the Board has a certain level of autonomy. The Board of Inland Revenue, based on legal advice, made a decision, as it had made some years ago, to cease issuing certificates of assessment to property owners. The reason for this is that the Board of Inland Revenue was advised that those certificates of assessment flowed from the repealed Lands and Buildings Taxes Act. Madam Speaker, I would say this is not the first time this has happened. It happened during the tenure of the last administration.

When this matter came to the attention of the Minister and Ministry of Finance, we contacted the Board of Inland Revenue and asked them to find an immediate solution which they have and now an amended certificate of payment

is being issued by the Board of Inland Revenue which would allow persons to get WASA clearance certificates which was the only requirement for a certificate of assessment. But I wish to stress, Madam Speaker, that contrary to the press release put out by the Member for Tabaquite, neither the Minister nor the Ministry of Finance issued any instructions with respect to this matter.

**Dr. Rambachan:** Madam Speaker, would the hon. Minister say to the country whether WASA will be prepared to accept those amended certificates because WASA is asking you to put your name on a list?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. As a proactive Member of this Government, when the matter came to our attention, when we discovered that the Board of Inland Revenue had taken this action without informing the Permanent Secretary of the Ministry of Finance or the Minister or any other senior official within the Ministry of Finance, we contacted the Board of Inland Revenue and the Water and Sewerage Authority; a meeting was held between the Chairman of the Board of Inland Revenue and the Chairman of WASA and officials from the two departments; a solution has been arrived at, and amendments will be made to the certificate of payment issued by the Board of Inland Revenue to provide the data and the information required by WASA to issue clearance certificates. The matter has been solved.

#### **Standard & Poor's (Inaccurate Reported Information)**

**Mr. Fazal Karim (Chaguanas East):** Thank you very much, Madam Speaker. To the Minister of Energy and Energy Industries: Could the Minister state if an investigation was conducted to determine the cause for inaccurate information being reported to Standard & Poor's and if any actions have been taken against those who are liable?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam Speaker. It is now in the public domain that the Ministry of Energy and Energy Industries provided to Standard & Poor's an inaccurate gas forecast that possibly had a negative impact on the change on the country's outlook from stable to negative. The forecast provided was an outdated one that did not take into consideration new positive gas production trends and was not updated accordingly.

For example, in December of 2017, this country produced 3.8 billion cubic feet per day. In January 2018, it produced 3.9 billion cubic feet per day, the highest in over three and a half years. Juniper is now producing to its maximum capacity of 450 million cubic feet per day. Starfish and Dolphin redevelopment is well on stream and plans to come into production later this year, and Angelin, the new platform being built by British Petroleum, is on target with first gas forecasted for the first quarter of 2019—the fourth quarter actually of 2019, with a maximum capacity of 350 million cubic feet per day.

Subsequently to this administrative and technical error, of which I, as Minister, have accepted full responsibility, the Minister has formally written to the staff of the Ministry indicating the following:

- no information should be provided to rating agencies like Standard & Poor's or multilateral agencies, like the IMF, without the prior approval of the Permanent Secretary and the Minister; and
- all information to these agencies must be routed through the Minister and the Ministry of Finance.

Madam Speaker, no—

**Madam Speaker:** Hon. Minister, your speaking time is now spent. Supplemental, Member for Chaguanas East.

**Mr. Karim:** Thank you very much, Madam Speaker. The Minister is giving us a whole dissertation in terms of the amount of gas produced and so on, but could you tell us—although it went from you and you are accepting liability, could you say whether anybody—[*Crosstalk*] Well, you accept responsibility. Has there been any action against anyone who has given you this erroneous information?

**Sen. The Hon. F. Khan:** Madam Speaker, no formal investigation has been conducted into this matter as the Minister is aware as to how the inaccuracies originated. No action has been taken on any member of staff as there was no deliberate attempt to send inaccurate information. The new forecast has now been completed but it was too late for submission to Standard & Poor's.

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

**Mr. Karim:** Thank you. Is the Minister saying that you are aware but you are taking no action?

**Sen. The Hon. F. Khan:** Because it was not a deliberate attempt to mislead. [Crosstalk]

**Madam Speaker:** Members, could we have some silence, please? Member for Oropouche West.

**Soldado North Field  
(Status of Leakage)**

**Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West):** Thank you, Madam Speaker. To the Minister of Energy and Energy Industries: Could the Minister indicate whether the leak at the Soldado North Field initially discovered on April 30<sup>th</sup>, 2018, has been rectified?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam Speaker. Madam Speaker, on April 30<sup>th</sup>, Soldado 694, a well in north Soldado, developed a leak on the wellhead clamp. The leak has not stopped but it has been contained. The spill continues to be managed by in-house personnel. Yesterday, a workover team was able to successfully depressurize the casing from 40 psi to zero which means that the leak is now a trickle. Later today, they plan to pump heavy water-based mud into the well and this is forecasted to stop the leak in its entirety. However, the ultimate solution would be in the next couple of days to officially abandon the well and that means pumping cement into the annulus and bringing the cement back to surface to officially abandon the well.

**St. Michael's School for Boys  
(Status of Accommodation)**

**Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West):** Thank you, Madam Speaker. To the Minister of State in the Office of the Prime Minister: In the light of the closure of St. Michael's School for Boys, could the Minister indicate the alternative accommodation for the five residents?

**The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):** Thank you, Madam Speaker. The Children's Authority of Trinidad and Tobago has to approach the court in an attempt to get the orders varied so that the boys can be relocated. I can assure you that the Children's Authority of Trinidad and Tobago will always act in the best interest of each boy until they find alternative placement.

**Mrs. Gayadeen-Gopeesingh:** So while the court is still waiting to prepare that order, what happens to those boys?

**Madam Speaker:** Minister of State in the Office of the Prime Minister.

**Hon. A Webster-Roy:** Thank you, Madam Speaker. Madam Speaker, the institution is still up and running.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Thank you, Madam Speaker. Could the Minister inform this House how many persons will lose their jobs as a result of the Government's decision to close this school?

**Madam Speaker:** I will not allow that as a supplemental question. Member for Couva North.

### **Secondary School Laptops (Storage and Management of)**

**Ms. Ramona Ramdial** (*Couva North*): Thank you, Madam Speaker. To the Minister of Education: Can the Minister inform this House what proper security infrastructure he intends to employ to effectively store and manage the application of laptop use at the nation's secondary schools?

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam Speaker. The schools are being provided with charging carts along with laptops. The carts also serve the dual purpose of storing the laptops and have a four-lock mechanism which prevents the laptops from being removed once it is secured. Furthermore, the Ministry of Education is working with schools to ensure that there is a secured space available, either in the computer lab or a secured room to store the carts. This arrangement will be complemented by the security personnel in the schools. Thank you.

**Madam Speaker:** Member for Couva North.

**Ms. Ramdial:** Thank you, Madam Speaker. Minister, are there any plans to upgrade schools without proper fences, poor lighting, inadequate camera surveillance, lack of safety officers to ensure that laptops are secured?

**Hon. A. Garcia:** Madam Speaker, the security of all schools is an ongoing exercise and we have been engaging in this exercise all the time. Thank you very much.

**Assaulted SEA Students  
(Rescheduling of Examination)**

**Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West):** Thank you, Madam Speaker. To the Minister of Education: In relation to reports indicating a 12-year-old student was molested a few days before he was scheduled to write the SEA examinations, can the Minister state whether there are existing protocols in instances where SEA students who experience significant trauma can write SEA examinations at a later date?

**The Minister of Education (Hon. Anthony Garcia):** Madam Speaker, students who experience significant trauma prior to the Secondary Entrance Assessment are provided with the opportunity to write a make-up examination approximately one month after the official examination. This protocol has been in place since the inception of the SEA, and that is in 2000, and the information has been communicated to all parents and school personnel. Thank you.

**Madam Speaker:** Hon. Members, the time period for Urgent Questions is now spent.

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. If it pleases you, we have 17 questions today for oral answer, we will be answering 14 out of the 17. We respectfully ask for a deferral for two weeks for questions 197, 199 and 215. Thank you, Madam Speaker.

**Madam Speaker:** The deferral sought is hereby granted. Member for Couva South.

**Mr. Indarsingh:** Thank you, Madam Speaker. Question 197 to the Minister of Energy and Energy Industries.

**Hon. T. Deyalsingh:** Madam Speaker, if I may, I had asked for a deferral.

**Madam Speaker:** Member for Couva South, it may have missed you that you are on two questions. We are now at 198.

*The following questions stood on the Order Paper:*

**Lake Asphalt Limited Estate Constables  
(Status of Wage Negotiations)**

- 197.** Could the hon. Minister of Energy and Energy Industries inform this House of the status of wage negotiations for the Estate Constables employed by Lake Asphalt Limited for the period 2011 to 2014? [*Mr. R. Indarsingh*]

**University of Trinidad and Tobago  
(Status of Restructuring)**

- 199.** Could the hon. Minister of Education inform this House of the status of restructuring of the University of Trinidad and Tobago (UTT) in light of the announcement by the President of the Board of Governors, on the November 01, 2017 that UTT would not be able to continue operations beyond January 2018? [*Mr. R. Indarsingh*]

**Chaguanas East Constituency  
(Establishment of Industrial Park)**

- 215.** Could the hon. Minister of Trade and Industry state if there are plans to establish an industrial park in the Chaguanas East Constituency and if so when? [*Mr. F. Karim*]

*Questions, by leave, deferred.*

**Continuation Classes Programme  
(Money owed to Staff)**

- 198. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Education:

Could the Minister inform this House of the amount of money owed to staff responsible for administering the continuation classes programme at the Ministry?

**The Minister of Education (Hon. Anthony Garcia):** Madam Speaker, the part-time programme of continuing education or continuation classes is currently offered at 24 centres across Trinidad. Based on documentation submitted from the various centres to date and the figures provided by the Division of Finance and Accounts of the Ministry of Education, outstanding salaries owed to the staff responsible for administering the part-time programme of continuing education or continuation classes is \$1,797,496.14. The documentation for these payments is currently being processed by the Ministry of Education and payments will be paid as soon as funds are available.

The Ministry is also aware that there are outstanding submissions of pay sheets from various centres. These will be quantified and processed when they are received by the Division of Finance and Accounts at the Ministry of Education. Thank you.

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House how long this particular sum of money has been outstanding?

**Madam Speaker:** Minister of Education.

**Hon. A. Garcia:** Thank you very much, Madam Speaker. In some cases, the outstanding payments go back to 2017 but the majority of outstanding payments occurred in 2018. Thank you.

**Dr. Gopeesingh:** Hon. Minister, is there any contemplation by the Ministry to reintroduce the continuing education programme that was established under the PP Government?

**Madam Speaker:** I am not going to allow that as a supplemental question. Member for Naparima.

### **Murders due to Domestic Issues (School Curriculum/Interventions)**

**201. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Education:

In light of the growing number of murders due to domestic issues, can the Minister identify three curriculum and/or other interventions in our schools aimed at producing citizens who can engage in healthy, mutually rewarding and respectful relationships?

**The Minister of Education (Hon. Anthony Garcia):** Madam Speaker, there are a number of interventions implemented by the Ministry of Education aimed at producing citizens who can engage in healthy, mutually rewarding and respectful relationships. At the primary and secondary school levels, our health and family life programme concentrates on the development of life skills, values and dispositions such as social and interpersonal skills, emotional coping skills, respect for others, empathy and tolerance, honesty, kindness, responsibility, integrity, social justice and respect for authority, all of which support and promote healthy relationships.

Further, the values, character and the citizenship education curriculum at the primary level focuses on developing healthy relationships and respect for others. Values such as trustworthiness, fairness, respect for others, self-respect, care and compassion, citizenship and the rights and responsibilities are systemically addressed.

Madam Speaker, our Student Support Services Division also plays a major role in this regard. In addition to dealing with the areas such as personal identity, group identity, emotional intelligence, feelings of anger, fear and sadness, communication skills, conflict resolution and decision-making, through the



National Comprehensive School Guidance and Counsel Programme, our social workers provide support for students affected by domestic violence through advocacy, home visits, child focus, individual counselling, group counselling and developing child care protection and the plans to ensure that students in all households are safe. Thank you very much.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Thank you, Madam Speaker. Is the Minister satisfied that any of these interventions—or, I am asking. Are any of these interventions aimed at males and redefining their roles in relationships in a family situation especially as they are underperforming at every level of the education system?

**Hon. A. Garcia:** Madam Speaker, as I indicated just now, these are interventions that are aimed at students in all our schools, which will include male and the female students.

**Dr. Gopeesingh:** Hon. Minister, would you be kind to indicate whether you are satisfied with the complement of the school social workers who you had difficulty in engaging previously? Do you have the full complement of school social workers now?

**Hon. A. Garcia:** Madam Speaker, I do not know from where the Member for Caroni East got the information that we had some problems with respect to engaging school social workers. I am not aware of that. Let me say that I am satisfied with the complement of school social workers who reside in the Ministry of Education. Thank you.

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

**Mr. Karim:** Thank you, Madam Speaker. With respect to these interventions, can you state how many vacancies continue to be unfilled for the positions of guidance counsellors?

**Hon. A. Garcia:** Madam Speaker, at this point, I am unable to give accurate information and in the absence of accurate information, I can ask the Member to provide me with that question in writing and I will be happy to respond. Thank you.

**Dr. Gopeesingh:** Is the teaching of morals, values, ethics, citizenry development and character development back onto the curriculum and being engaged by the teachers?

**Hon. A. Garcia:** Madam Speaker, I am not aware that those aspects of the curriculum have been absent. Let me say that those aspects that have been

identified by the Member for Caroni East, we continue to teach those disciplines in our schools. Thank you.

**Destination Marketing for T&T  
(Amount of Money Spent)**

**203. Ms. Ramona Ramdial** (*Couva North*) asked the hon. Minister of Tourism:

Could the Minister state how much money has been spent on destination marketing for Trinidad and Tobago to attract tourists to our shores?

**The Minister of Tourism (Hon. Randall Mitchell):** Thank you very much, Madam Speaker. [*Desk thumping and crosstalk*]

**Madam Speaker:** Order, order!

**Hon. R. Mitchell:** Madam Speaker, let me address you. For the period October 2017 to April 2018, \$866,565.73 was spent by the Ministry of Tourism on destination marketing for Trinidad and Tobago. The Division of Tourism, Culture and Transportation has advised that for the period October 2017 to April 2018, \$8,779,678.71 was spent on destination marketing for Tobago. Therefore, the total sum spent over the period on destination marketing for Trinidad and Tobago was \$9,646,242.44.

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

**Mr. Karim:** Thank you, Madam Speaker. Hon. Minister, could you say the return on the investment of that amount of money in terms of foreign tourist arrivals?

**Hon. R. Mitchell:** Madam Speaker, I do not have the tourist arrival data. If the Member wishes, he can ask a separate question.

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

**Mr. Lee:** Thank you, Madam Speaker. To the Minister of Tourism, does he feel that the \$9 million is justifiable in tourist destination marketing?

**Madam Speaker:** I will not allow that. That is a question of opinion.

**Non-renewal of Contract Employees  
(Details of)**

**204. Ms. Ramona Ramdial** (*Couva North*) asked the hon. Minister of Tourism:

Could the Minister state the number of contract employees whose contracts were not renewed during the period September 2016 to February 28, 2018 and list the relevant contract positions?

**The Minister of Tourism (Hon. Randall Mitchell):** Thank you, Madam Speaker. The records of the Ministry of Tourism indicate that over the period September 2016 to February 2018, the terms of engagement of seven contract employees expired along with the life of these positions. The seven positions are: Monitoring and Evaluation Co-ordinator, two BOA I, two BOA II, Tourism Advisor II, Hospitality Attendant.

**2.00 p.m.**

The seven identified positions, three are currently retained on a short-term basis at the Ministry of Tourism. The three positions are: Monitoring and Evaluation Coordinator, Tourism Advisor II, BOA II. Upon expiration of the contracts of the remaining four positions, verbal offers of short-term employment were made to the holders of the other four positions. However, these persons indicated that they were not interested in short-term employment as they were in possession of employment outside of the Ministry of Tourism. The Ministry of Tourism is collaborating with the PMCD to renew the seven positions.

**Poui Festival 2018  
(Ministry's Budget)**

**205. Mr. Barry Padarath (Princes Town)** asked the hon. Minister of Tourism:  
Could the Minister indicate the Ministry's budget for the Poui Festival 2018?

**The Minister of Tourism (Hon. Randall Mitchell):** Thank you again, Madam Speaker. The Poui Festival 2018, as originally conceptualized, has been cancelled and will not be implemented by the Ministry of Tourism.

**Ministry of Sport and Youth Affairs  
(Wrongful Termination — 2015 to 2018)**

**206. Mr. Barry Padarath (Princes Town)** asked the hon. Minister of Sport and Youth Affairs:  
Could the Minister advise how many employees from the Ministry of Sport and Youth Affairs have brought legal action against the Ministry for wrongful termination between 2015 to 2018?

**The Minister of Health (Hon. Terrence Deyalsingh):** Madam Speaker, standing in for the Minister of the Sport and Youth Affairs—

**Madam Speaker:** Member for Couva South, I would like you quite early to please be mindful of the volume of your voice.

**Hon. T. Deyalsingh:** Thank you. Standing in for the Minister of Sport and Youth Affairs, the answer is as follows: the Ministry of Sport and Youth Affairs is mandated to facilitate the development of sport and physical recreation and to act as an enabling organization for youth development. This mandate is primarily driven by the Division of Physical Education and Sport and Division of Youth Affairs and supported by 11 internal units.

With reference to the question, six former employees brought legal action against the Ministry for wrongful termination during the period 2015 to 2018. Madam Speaker, I thank you.

**Madam Speaker:** Supplemental, Member for Princes Town.

**Mr. Padarath:** Madam, thank you. To the hon. Minister, in light of the information you have provided, can you also confirm that two former CEOs of the Sport Company have been sacked and have brought legal action against the Sport Company?

**Hon. T. Deyalsingh:** I would not be in possession of that information now but could be answered if you pose the correct question in the correct format. Thank you.

### **Cataract Surgeries Performed (Details of)**

**209. Dr. Lackram Bodoë (Fyzabad)** asked the hon. Minister of Health:

Could the Minister provide the total number of cataract surgeries performed at each of the nation's three major hospitals, by hospital, for each of the years during the period 2008 to 2017?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. The total number of cataract surgeries performed at each of the nation's three major hospitals for each of the years during the period 2008 to 2017 is as follows: San Fernando General Hospital: 2008, 381; 2009, 367; 2010, 747; 2011, 1,072; 2012, 1,185; 2013, 1,992; 2014, 1,673; 2015, 1,368; 2016, 1,634; and 2017, 1,499.

- Eric Williams Medical Sciences Complex, from 2008 to 2017, to save time: 61, 206, 207, 202, 318, 243, 169, 157, 354, and 442 last year.
- Port of Spain General Hospital, from 2008 to 2017: 1,170, 698, 648, 330, 491, 841, 833, 1,068, 1,195, and 1,124. Thank you, Madam Speaker.

**Madam Speaker:** Supplemental question, Member for Fyzabad.

**Dr. Bodoë:** Thank you, Madam Speaker. Minister, can you indicate the average waiting time for cataract surgery at each of these hospitals currently?

**Hon. T. Deyalsingh:** Madam Speaker, in the past, I have alluded to the fact that my colleague took it down from two years to six months. I have continued in that vein and right now we are under two months. [*Desk thumping*] Some people have actually been getting it done within a week or two weeks, and these are people who cannot afford to go to the private sector. So we are continuing good work and we are making good work even better. Thank you very much, Madam Speaker.

**Dr. Khan:** Minister, could you indicate, if you have the information, the amount of consultants in Eric Williams Medical Sciences Complex that are doing cataract surgeries and those in San Fernando doing cataract surgeries?

**Hon. T. Deyalsingh:** Madam Speaker, unfortunately I do not have that information with me but I can easily get it.

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

**Dr. Bodoë:** Thank you. Minister, can you indicate whether the waiting time that you alluded to is the same at each of the hospitals mentioned or is it different in the three hospitals?

**Hon. T. Deyalsingh:** No, I can say categorically that the three hospitals would not have the same waiting time. San Fernando has traditionally—because they have the highest burden of NCDs and all of these things—traditionally has the longest waiting time. They also have the highest outstanding number. So we are working across the board at the three major hospitals, including ERHA, to bring this down to an acceptable level to benefit the average citizen of Trinidad and Tobago. Thank you very much, Madam Speaker.

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

**Mr. Charles:** Thank you very much. Minister, if I were to give you a letter from one Mr. Gajadhar of Tableland, for a cataract surgery, could you give me a guarantee or give me some indication that this will be done within three weeks?

**Madam Speaker:** I am not going to allow that, too many suppositions.

**Ramai Trace Hindu School  
(Update on)**

**211. Dr. Roodal Moonilal (Oropouche East)** asked the hon. Minister of Education:

Further to the response provided to House of Representatives Question No. 64 on March 15, 2017, could the Minister give an update on the state of completion works at the Ramai Trace Hindu School and indicate when the school will be opened?

**The Minister of Education (Hon. Anthony Garcia):** Madam Speaker, the Ministry of Education has effected payments to the contractor to offset the outstanding sums due and owed. The completion of this school is of priority and steps have been implemented towards the resumption of works in the shortest possible time. However, at this time, I am unable to say when the Ramai Trace Hindu School will be completed and opened. The important thing is that the contractor has been paid some of the outstanding money. Thank you.

**Madam Speaker:** Supplemental, Member for Princes Town.

**Mr. Padarath:** Thank you, Madam. To the hon. Minister, could the hon. Minister say in light of the answer that he has just provided with respect to Ramai Trace Hindu School, whether or not a similar approach is being adopted for the Parvati Girls and Shiva Boys College in Penal?

**Madam Speaker:** I would not allow that as a supplemental question.

***Galleons Passage*  
(Details of Management Company)**

**212. Dr. Roodal Moonilal (Oropouche East)** asked the hon. Minister of Works and Transport:

Could the Minister state the name and terms of engagement of the company procured by NIDCO to operate and maintain the new vessel *Galleons Passage*?

**Madam Speaker:** Minister of Works and Transport.

**Dr. Moonilal:** Who doing it?

**Madam Speaker:** Minister of Works and Transport. [*Crosstalk*] Order! Order!

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. NIDCO has entered into negotiations with International Maritime Services (IMS) for the provision of vessel management service of the *MV Galleons Passage*. The terms of engagement have not yet been finalized.

The parties will use the modified BIMCO Shipping 2009, standard shipping management form for this agreement. The scope of service will include:

- provision of a safety management managing the crew, as determined by flag for operating the vessel; training and equipping local personnel for taking over operations upon exit of IMS;
- provision of crew management service;
- provision of suitable training maintenance crew for handling routine maintenance and repairs;
- development and maintenance of the vessel;
- ensuring that instruments on the vessel are maintained;
- maintaining a functional onboard computerized maintenance system on the vessel;
- providing of a well-appointed shoreline maintenance team and facilities for carrying out maintenance repairs;
- ordering, receiving and managing spare parts inventory for use on the vessel;
- providing of technical management for major repairs and dry docking.

Thank you.

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

**Dr. Moonilal:** Thank you very much. With reference to the answer read by the Minister a few moments ago, could the Minister confirm that no company has yet been finalized for the long-term and permanent operation and maintenance of the new vessel due in a few days?

**Sen. The Hon. R. Sinanan:** Madam Speaker, this process of finding the operators of the vessel was a tender undergone by NIDCO. NIDCO is at this point in time finalizing the tender process and will be in a position, once the vessel arrives, to have this in place. Thank you.

#### **Moultet Report (Publication of)**

**213. Dr. Roodal Moonilal (Oropouche East)** asked the hon. Minister of Works and Transport:

Could the Minister indicate when the full report of Mr. Christian Mouttet, the sole investigator into the procurement practices at the Port Authority of Trinidad and Tobago (PATT) will be made public?

**Dr. Moonilal:** “You taking dat?”

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** “Yeah. I take all de hard ones.”

Thank you, Madam Speaker. The hon. Prime Minister, who had commissioned Mr. Christian Mouttet to be the sole investigator into the procurement practices at the Port Authority of Trinidad and Tobago, has already laid the report in the Parliament through the Joint Select Committee into the operations of the Port Authority. Thank you.

**Anti-Gang Act, 2011  
(Persons Apprehended and Charged)**

**216. Mr. Fazal Karim** (*Chaguanas East*) asked the hon. Attorney General:

Could the Attorney General state how many persons have been apprehended and charged under the Anti-Gang Act, 2011 for the period September 2015 to present?

**The Acting Attorney General, Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. By Legal Notice No. 159, 7 of 2011, the Anti-Gang Act, 2011, commenced on August 15, 2011. Section 15 of the Act provided that the Act shall continue in force for a period of five years from the date of its commencement. The Act, therefore, expired on the 15<sup>th</sup> of August, 2016, and it is therefore incorrect to enquire whether persons have been apprehended and charged under the Act from August 15, 2016, because one would recall that those on the other side did not allow the Act to continue.

For the period September 2015 to August 15, 2016, however, no persons were charged under the then Anti-Gang Act, 2011. This information has been provided by the Organized Crime and Intelligence Unit of the TTPS.

According to the Organized Crime and Intelligence Unit, persons were not charged during that period, due to the fact that the investigative process to gather all of the evidence required is a long and meticulous one and the impending sunset clause provided too short a time frame to take those matters to court under the soon expired Anti-Gang Act, which they again did not want to support an extension of.



Therefore, according to the Trinidad and Tobago Police Service and in particular the OCIU, without the Anti-Gang Act, 2011, the said investigations were continued using existing laws, which did not have an impact on gangs and the disruption of their activities. Thank you, Madam Speaker.

**Jamaica and Trinidad and Tobago  
(Trade Arrangements)**

**217. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Trade and Industry:

In relation to a report indicating that Jamaica has expressed dissatisfaction with the current trade arrangements between Trinidad and Tobago and Jamaica, can the Minister please indicate if any action was initiated to address these concerns?

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Thank you, Madam Speaker. There was a report in the *Jamaica Gleaner* on February 28, 2018, which informed of allegations by Jamaican flour producers that Trinidad and Tobago is dumping flour in the Jamaican market. The report indicated that flour producers intended to lodge a complaint with the Jamaican Anti-Dumping Commission. It is to be noted that Trinidad and Tobago has not received any formal communication from the Government of Jamaica on the claims being made.

The Ministry of Trade and Industry, however has been in contact with the local companies named, Caribbean Flour Mills Limited also known as Republic Grains Investments Limited, and National Flour Mills, to monitor the issue closely. Both these producers have denied the allegation.

It should also be noted that Trinidad and Tobago conducted a trade mission to Jamaica during the period April 17<sup>th</sup> to 21<sup>st</sup>, 2018. The purpose of the mission was to provide opportunities for further expansion and diversification of exports to Jamaica, as well as to strengthen and improve the business and investment relations between both countries.

The Permanent Secretary of the Ministry of Trade and Industry led the mission, which also consisted of representatives from the Trinidad and Tobago Manufacturers Association, exporTT, the Trinidad and Tobago High Commission to Jamaica and 14 local companies.

The mission facilitated discussions with key Jamaican trade-related agencies, including the Jamaica Customs Agency, the National Compliance and Regulatory

Authority, which is Jamaica's Bureau of Standards, and the Ministry of Industry, Commerce, Agriculture and Fisheries, on possible areas for further strengthening of the Jamaica/Trinidad and Tobago trading relationship. It should be noted that the allegations of dumping of flour by Trinidad and Tobago was not raised by Jamaica during the trade mission.

Following the official visit of the honourable Prime Minister of Trinidad and Tobago to Jamaica in July 2016, an action plan was developed to improve the trade relations between Trinidad and Tobago and Jamaica.

In keeping with Agenda 2.4: Trade in Goods (Implementation of Goods Regime) of the Action Plan, Jamaica through its High Commissioner to Trinidad and Tobago, transmitted for the consideration of the Government of Trinidad and Tobago a proposed trade complaints mechanism and this mechanism is currently being finalized by both countries.

The trade complaints mechanism aims to provide guidelines for receipt, transmission, processing and possible resolution of a trade complaint. The mechanism will provide for quick bilateral resolution of issues affecting trade, by recommending the steps to be followed along with respective timelines to be observed by both parties.

Upon implementation, it is expected that issues which arise during the course of trade between Jamaica and Trinidad and Tobago will be handled in a more efficient and timely manner.

The Ministry of Trade and Industry has reviewed Jamaica's proposal for the trade complaints mechanism and has identified several areas which require further clarification and the Ministry will propose the inclusion of additional areas such as services within the scope of the mechanism and also highlight the need to determine the validity of the complaints prior to submission to the relevant parties for investigation. Thank you, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Princes Town.

**Mr. Padarath:** Thank you, Madam. To the hon. Minister, in light of the answer the Minister provided, could the Minister say as a proactive measure, whether or not the Ministry of Trade and Industry, with respect to the findings of the investigations by the manufacturers and the local companies involved, whether or not these findings were communicated to the Consumer Affairs

Division in Jamaica, as it relates to correcting some of these fake news that have been put out there?

**Sen. The Hon. P. Gopee-Scoon:** Thank you. Our High Commissioner to Jamaica, resident in Jamaica, has communicated these results.

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

**Mr. Charles:** Thank you very much, Madam. Given that Jamaica usually draws attention to the fact that there is a trade imbalance in our favour, is the Minister seized in negotiations about the total contribution of Trinidad and Tobago to their plethora of regional institutions which benefit Jamaica, such as the Caribbean Development Bank, UWI and Caricom?

**Madam Speaker:** I would not allow that as a supplemental question.

#### **San Fernando General Hospital (Structural Assessment)**

**218. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Health:

Could the Minister indicate the last occasion a structural assessment of the San Fernando General Hospital was undertaken?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. A preliminary structural assessment of the San Fernando General Hospital was completed in 2009, by the Pan American Health Organization in application of the safe hospital index. Thank you very much, Madam Speaker.

#### **Firearm User's Licences (Request by Business Owners)**

**219. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of National Security:

With regard to calls from business owners for firearms to protect themselves, can the Minister please indicate if the Government is considering expediting the issuance of Firearm User's Licences?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam Speaker. Sections 16 and 17 of the Firearms Act outline the procedures to be followed by a person desirous of obtaining a Firearm User's Licence. Under the provision of the Act, all applications must be made to the

Commissioner of Police who has the authority to grant such licence. Based on the information received from the Trinidad and Tobago Police Service, the processing of applications for Firearm User's Licence is always treated expeditiously as possible, given the rigour of the process and the need for scrupulousness in such a matter.

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

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, can you indicate the number of armed licences that have been issued from 2017 to now?

**Madam Speaker:** I would not allow that as a supplemental question.

**Mrs. Gayadeen-Gopeesingh:** Firearms.

#### PAYMENTS INTO COURT BILL, 2018

Bill to make provision for payments into and out of Court to be made electronically and into and out of a Custodial Bank Account in the name of the Judiciary of Trinidad and Tobago and for related matters [*The Attorney General*]; read the first time.

#### ANTI-GANG BILL, 2018

##### Senate Amendments

**The Acting Attorney General, Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young):** [*Desk thumping*] Madam Speaker, I beg to move the following Motion standing in my name:

*Be it resolved* that the Senate amendments to the Anti-Gang Bill, 2018, listed in Appendix II now be considered.

*Question proposed.*

*Question put and agreed to.*

*Senate amendments read as follows:*

*Clause 4.* A. In the definition of “law enforcement authority” -

- (1) in paragraph (e), delete the word “and”;
- (2) after paragraph (e), insert the following new paragraph:
 

“(f) a constable as defined under the Supplemental Police Act; and ”; and

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(3) renumber the paragraphs accordingly.

B. In the definition of “school”, delete the words “an orphanage” and substitute the words:

“a community residence as defined under the Children’s Community Residence, Foster Care and Nurseries Act”

**Mr. Young:** Madam Speaker, might I make a suggestion? I think, by agreement the House would like to deal with all of the amendments to this Bill in one. I think it would be a more prudent and expeditious use of time.

**Madam Speaker:** Yes, but the procedure requires that the Clerk reads all the amendments, and then if that is the agreement, they will be taken en bloc. Okay?

**Mr. Young:** All right.

*Amendments continued:*

*Clause 6.* A. In subclause (1) -

(1) in paragraph (b), delete the word “or”; and

(2) delete paragraph (c) and insert the following new paragraphs:

“(c) performs an act as a condition for membership in a gang; or

“(d) professes to be a gang leader or a gang member in order to –

(i) gain a benefit for himself or another person;

(ii) intimidate other persons; or

(iii) promote a gang.”.

B. Delete subclause (3) and substitute the following:

“(3) A person who commits an offence under subsection (1)(b),(c) or (d) is liable in the case of a first offence, on summary conviction to imprisonment for ten years, and, in the case of a subsequent offence, on conviction to imprisonment for twenty years.”.

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C. Delete subclause (4) and substitute the following:

“(4) Where a member of a law enforcement authority or a person involved in intelligence gathering commits an offence under this section, he is liable on conviction on indictment to imprisonment for twenty-five years.”.

D. Delete subclause (5) and substitute the following:

“(5) A gang leader or gang member who, with intent -

- (a) wounds or causes grievous bodily harm to; or
- (b) to do some grievous bodily harm, shoots at, a member of a law enforcement authority or a person involved in intelligence gathering, commits an offence and is liable on conviction on indictment to imprisonment for thirty years.”.

*Clause 8.* A. In subclause (1) -

- (1) in the chapeau, insert after the words “A person shall not”, the word “intentionally”;
- (2) in paragraph (f) delete the words “; or” and substitute the word “;”;
- (3) in paragraph (g), delete the word “.” and substitute the words “; or”; and
- (4) insert after paragraph (g) the following new paragraph:
  - “(h) refusing to provide funding or resources to a gang leader, gang member or gang.”.

B. After subclause (2), insert the following new subclause:

- “(3) For the purposes of this section, “relative” means, in relation to a person –
  - (a) his parent, step-parent or guardian;
  - (b) his spouse, cohabitant or fiancé;
  - (c) his child, step-child or other dependant;
  - (d) his brother, sister, step-brother or step-sister;
  - (e) his grandparent; or
  - (f) any other person responsible for the person’s care and support.” .

- 11 Delete Clause 11 and substitute the following clause:  
“(11) (1) A person who –
- (a) uses a bullet-proof vest, firearm, ammunition, or prohibited weapon; or
  - (b) has in his possession a bullet-proof vest, firearm, ammunition, or prohibited weapon which he ought reasonably to know would be used, in the commission of a gang-related activity, commits an offence and is liable on conviction on indictment to imprisonment for fifteen years.
- (2) It is a defence for a person charged with an offence under subsection (1)(b) if he proves that he did not know or could not reasonably have known that the bullet-proof vest, firearm, ammunition, or prohibited weapon in his possession would be used in the commission of a gang-related activity.”.
- 12 In subclause (1), delete the word “five” and substitute the word “ten”.
- 13 In subclause (1), delete the word “ten” and substitute the word “fifteen”.

*Clause 14.*

- A. In subclause (1)(b), delete the word “fifteen” and substitute the word “twenty”.
- B. In subclause (2)(b), delete the word “twenty” and substitute the word “twenty-five”.
- C. In subclause (3), delete the word “twenty” and substitute the word “twenty-five”.
- D. Delete subclause (4).

A. Insert, after Clause 14, the following new clause:

- New Clause*     “Tipping-off 15. (1) A person who—  
15.
- (a) knows or suspects that a police officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence under this Act; and
  - (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation, commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for twenty years.
- (2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—
- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
  - (b) to any person—
    - (i) in contemplation of, or in connection with, legal proceedings; and
    - (ii) for the purpose of those proceedings.
- (3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.



(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”.

B. Renumber the clauses accordingly.

*Re-numbered Clause 16.* A. Delete subclause (2) and substitute the following:

“(2) A Magistrate may issue a warrant to a police officer authorizing the police officer to enter and search a dwelling house where the Magistrate is satisfied by evidence on oath that there is reasonable ground for believing that there may be found in the dwelling house a gang leader, gang member or a person whom the Magistrate has reasonable cause to believe has committed an offence under this Act.”.

B. In subclause (3), insert after the word “dwelling house,” the words “including a building, ship, vessel, carriage, box or receptacle

*Re-numbered Clause 17.* A. In subclause (1), delete the words “a person whom he reasonably suspects of- (a) having committed; or (b) interfering with an investigation of,” and substitute the words:

“a person whom he has reasonable cause to believe-  
 (b) has committed; or  
 (c) has interfered with an investigation of,”.

B. In subclause (3)-

- (1) in paragraph (a), after the word “;” insert the word “and”;
- (2) delete paragraphs (b) and (c) and substitute the following new paragraph:

“(b) record the grounds for his detention in the station diary.”.

*Re-numbered Clause 18.* Delete Clause 17 and substitute the following clause:

“(1) Where a person is convicted of an offence under this Act, the Court may order that any property-

- (a) used for, or in connection with; or
- (b) obtained as a result of, or in connection with,

the commission of the offence, be forfeited to the State.

- (2) Before the Court makes an order under subsection (1), the Clerk of the Peace or the Registrar of the Supreme Court of Judicature, as the case may be, shall publish a notice identifying the property referred to under subsection (1) in two newspapers in daily circulation in Trinidad and Tobago.
- (3) A person who claims to be the owner of, or to have an interest in, the property shall file a notification of interest in the form set out as Form 2 in the Second Schedule, with the Clerk of the Peace or the Registrar of the Supreme Court of Judicature, as the case may be, within two weeks of the date of publication of the notice referred to under subsection (2).
- (4) Before making an order under subsection (1), the Court shall give an opportunity to be heard to any person who has filed a notification of interest claiming to be the owner of, or to have an interest in, the property.

- (5) Notwithstanding subsections (3) and (4), the Court may give a person claiming to be the owner of, or to have an interest in, the property an opportunity to be heard, where the Court considers it is in the interest of justice to do so.
- (6) Where property is forfeited to the State under this section, the Court may give directions as to the storage, investment and disposal of the property.”

*Re-numbered Clause 19.* After the word “Order”, insert the words “subject to negative resolution of Parliament,”

*First Schedule.* After Item 28, insert the following new items:

“29. Offences under the Prevention of Corruption Act

30. Offences under the Trafficking in Persons Act

31. Misbehaviour in public office

32. Offences under the Gambling and Betting Act

33. Attempting to blow up a building with the intent to do any bodily injury to any person

34. Manslaughter

35. Hijacking

36. Hostage-taking

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37. Causing or inciting prostitution
38. Controlling a child prostitute
39. Causing or inciting a child to engage in sexual activity
40. Offences relating to dangerous drugs under the Children Act
41. Offences relating to child pornography under the Children Act
42. The keeping or management of a brothel
43. Detention of a person in a brothel
44. Procuration for the purposes of prostitution
45. Living on the earnings of prostitution
46. Meeting a child following sexual grooming”.

*Second* A. In Form 1 –

*Schedule.*

- (1) delete the word “16” and substitute the word “17” in each place it occurs;
  - (2) after the words “Detention Order”, delete the words “in favour of” and substitute the word “against”; and
  - (3) in the “Certificate of truth”, delete the word “believe” and substitute the words “swear to the best of my knowledge, information and belief”.
- B. Insert after Form 1, the following new form:

“FORM 2

[Section 18(3)]

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NOTIFICATION OF INTEREST

Take notice that I ..... of ....., make oath and say that I am [the lawful owner of/ the person with an interest in] the following property hereinafter identified

.....

[state the nature and amount of , and type of interest in, the property].

Sworn by the above-named at ..... on the ..... day of ....., 20....

[In the case of a company, the corporate seal is to be affixed and attested to.]

Signed: .....”(The applicant)

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**Mr. Young:** [*Desk thumping*] Thank you, Madam Speaker. I beg to move that this House agree with the Senate in the amendments to the following clauses 4, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, the insertion of a new clause 15 and the First Schedule to the Bill, Madam Speaker, of the Anti-Gang Bill, 2018.

Thank you very much, Madam Speaker. I would also like to ask that it be accepted, I believe we have agreement from my friends opposite that we deal with all of these proposed amendments as one.

Madam Speaker, we find ourselves back here today on Friday 4<sup>th</sup> of May, 2018, to once again debate but thankfully a very shortened debate and a very specific and precise debate on specific amendments that have come from—thank you very much, Madam Speaker—on specific amendments that have been suggested by the Upper House, that is the Senate.

Madam Speaker, just to put this in context, and I would like to say at the outset that I will confine my contribution specifically to the various amendments that have been suggested and hopefully the House will adopt here today and we will put this historically behind us and give the citizens of Trinidad and Tobago, and more importantly the TTPS, what they have been asking for, for a long time.

Madam Speaker, just to provide some context, the country and our citizens will recall, through you, that the UNC government first passed the Anti-Gang Act in 2011 with the support of a then PNM Opposition. Thereafter, it had a five-year sunset clause and thereafter in August 2016, this Government came forth and asked this House to support the continuation of this important anti-gang legislation. That was refused by those on the opposite side which is now history.

Thereafter, in December 2017, once again due to the outcry by not only the population, but also those who are charged constitutionally with the responsibility of enforcing law and order in Trinidad and protecting and serving, the Trinidad and Tobago Police Service asked the Government to please assist them in their fight against this specific element of crime which scourges our land—gang-activity.

The Government once again, in December 2017, brought an Anti-Gang Bill that unfortunately on the morning of December 07, 2017, you will recall, Madam Speaker, historically at the wee hours of the morning, I believe around 1.30/2.00 a.m. on the 7<sup>th</sup> of December, 2017, the Bill was defeated due to the lack of support, because, of course, the Anti-Gang Bill, the parent legislation requires a special majority. That debate, Madam Speaker, commenced on the evening of the 6<sup>th</sup> of December and commenced at 2 o'clock in the morning on the 7<sup>th</sup> of

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December, and unfortunately we were unable to give the Trinidad and Tobago Police Service and the citizens of Trinidad and Tobago the protection of the Anti-Gang Bill.

Unfortunately, the scourge of criminal activity and gang activity in particular continued and once again not only did the citizens, but the Trinidad and Tobago Police Service renew their call to us here in this House and the legislators, requesting that this specific piece of legislation, the Anti-Gang Bill, be brought back. Conversations were had with our friends on the other side that are now historic and it was agreed between both sides in the House that we would abridge the time for the reintroduction of this specific legislation.

My friends on the opposite side under the leadership of the Member for Siparia agreed that we would abridge the time. We came and commenced that debate on the 9<sup>th</sup> of March. It was laid, the Anti-Gang Bill, 2018, in the House. We debated it on the 20<sup>th</sup> of March, 2018, again on the—sorry we completed the debate in the House on the 9<sup>th</sup> of March, 2018. Historically our friends on the other side supported the passage of the Bill and it left the House and headed to the Upper House, the Senate, where on the 20<sup>th</sup> of March, it was piloted by the substantive Attorney General, the hon. Member for San Fernando West, Faris Al-Rawi, and he commenced the debate in the Senate on the 20<sup>th</sup> of March, 2018. It continued on the 4<sup>th</sup> of April, 2018. It had its second reading continuing on the 11<sup>th</sup> of April, 2018, with the wind-up by the Attorney General. It went to the committee stage and coming out of the committee stage in the Senate are the amendments that we here in the House today are asked to accept.

I can start by saying, Madam Speaker, that the debate in the other place received the fullest of compliments. It also had the Independent Senators playing a very important role in the amendments that are before us today.

Madam Speaker, needless to say, the Government is of the opinion that this piece of legislation that we hope will be finally passed today is most important in the arsenal and the tools to be utilized by the Trinidad and Tobago police in fighting crime.

We on this side believe that we as legislators must do all that we can through the process of passage of important legislation including this Anti-Gang Bill, 2018, and the amendments we are about to discuss, to ensure that our Trinidad and Tobago Police Service and other arms of law enforcement as when we get to the amendments we will see intelligence agencies, et cetera, have the fullest complement and extent a net of law that is available to them to fight crime in Trinidad and Tobago on behalf of our citizens.

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Madam Speaker, the amendments now make the Bill contain 20 clauses as opposed to 19 clauses from before as there is now the insertion of an important clause, clause 15, which is a tipping-off provision. Clause 15 now, Madam Speaker, seeks to make it an offence for a person to disclose information to another person which may prejudice an investigation.

Madam Speaker, at this stage I would like to take us through the amendments and provide some guidance from the Government side as to what these amendments mean, the importance of these amendments, and why we on this side support it, and I am sure that my friends, or I hope that my friends on the other side would also support it. So at the end of today's sitting we will have an anti-gang legislation back in force in Trinidad and Tobago.

Madam Speaker, at clause 4 of the Bill which is the interpretation section under the definition of "law enforcement authority", the Senate has suggested an amendment a new paragraph (f) and it is that:

"a constable as defined under the Supplemental Police Act;"

Madam Speaker, it was felt that the Bill, that left the House did not expressly capture the SRPs side of the TTPS, and this insertion is really an amendment to include SRPs as we know them, Supplemental Police, and we all recognize that SRPs are an important component in the fight against crime and in supplementing the full Trinidad and Tobago Police Service.

There is another amendment to clause 4 in the definition section which is under "school". Previously it said school includes "an orphanage". We have now taken out the word "orphanage" and we have replaced with the definition that is found in the very important piece of legislation that is the Children Act, and these types of Acts as:

"a community residence as defined under the Children's Community Residences, Foster Care and Nurseries Act"

That specific amendment was necessary because of the change in the landscape of matters dealing with our children and importantly the protection of our children, Madam Speaker, and those who are sent by court systems to the various community residences, foster care and the nurseries. So, they are now captured by that amendment.

Madam Speaker, one then goes directly to clause 6 and in particular at clause 6, the suggestion is the insertion of a new clause 6(1)(c) which will now read a person who:



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“(c) performs an act as a condition for membership in a gang;”

This is the specific clause, Madam Speaker, that deals with defining what gang membership means, and who falls within the ambit of the definition of a gang member. So what has been suggested and is accepted by this side is now a person who performs an act as a condition for membership in the gang is caught under gang membership.

And we are now inserting a new (d) that a person who:

“professes to be a gang leader or a gang member in order to –

- (i) gain a benefit for himself or another person;
- (ii) intimidate other persons; or
- (iii) promote a gang, commits an offence...”

So now, Madam Speaker, we have broadened the definition of those who would commit an offence by just being members of a gang and we have broadened who will fall within that net.

Again at clause 6(3) we are inserting a new clause 6(3) which reads:

“(3) A person who commits an offence under subsection (1)(b), (c) or (d) is liable in the case of a first offence, on summary conviction to imprisonment for ten years, and, in the case of a subsequent offence, on conviction to imprisonment for twenty years.”

Madam Speaker, what this clause is intended to do, it now introduces a two-tiered system of punishment, and accept that for a first offence, a person who has a first offence of committing an offence of gang membership would now on summary conviction be liable to imprisonment for 10 years and if there is a repeat offence and they are convicted to imprisonment for 20 years.

Madam Speaker, you will recall that in previous debates here the evidence from the Trinidad and Tobago Police Service by the Acting Commissioner of Police in an affidavit, a sworn affidavit, filed in court proceedings, the Trinidad and Tobago Police Service and their statistics indicate that with gang activity there is always a lot of repeat offenders; there is always a lot of repeat offenders. This specific amendment is meant to capture that, and to give persons a chance, rather than there be one sentence and penalty, say look for your first offence you are liable to 10 years, but if you go back to a life of crime and in particular gang membership, you are then liable to 20 years imprisonment.

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The next amendment is at clause 6(4) which reads:

“Where a member of a law enforcement authority or a person involved in intelligence gathering commits an offence under this section, he is liable on conviction on indictment to imprisonment for twenty-five years.”

What the Members of the Senate, I believe saw fit to do here by this use of language, Madam Speaker, is that they have merely simplified and used a very stylistic and different way of what was there before in an attempt to simplify the legislation and we agree with it.

Clause 6(5) now goes on the read:

“A gang leader or gang member who, with intent –

(a) wounds or causes grievous bodily harm to;...

(b) to do some grievous bodily harm, shoots at, a member of law enforcement authority or person involved in intelligence gathering, commits an offence and is liable on conviction on indictment to imprisonment for thirty years.”

Madam Speaker, we humbly submit that this is a very important element in this particular legislation. And what we are looking to do as legislators is to provide a level of protection to those law enforcement officers who put their lives on the line, as well as our security intelligence gathering officers who put their lives on the line, in particular, in fighting this scourge of criminal activity under gang activity. And saying that if you wound, cause grievous bodily harm or you intend with intent to do grievous bodily harm by shooting at a member of our protective services or intelligence gathering services, that is now a specific offence as a gang member. That is now a specific offence and you are liable on conviction to indictment imprisonment for 30 years. So we are indicating to those who wish to engage in this particular criminal activity that if you decide to take on a law enforcement officer, we are imposing as heavy a penalty as 30 years' incarceration.

Then at clause 8, Madam Speaker, again it is semi-stylistic, the insertion of the word “intentionally” at clause 8(1). What this really does now is it raises the bar. So, it now reads:

A person shall not intentionally—take any retaliatory action against another person or any of that other person's relatives, friends, associates or property, on account of that other person”—and it goes on to list, for example:

“(a) refusing to become a gang leader...”

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So this is all about specific offences for retaliatory action because the evidence will show, the data shows that those involved in criminal activity, in gang activity, like to intimidate those in the community and law abiding citizens by taking action against them, for example, for giving information to a law enforcement officer or authority. And what we are saying is if you intentionally do this—so the Senate saw it fit to actually raise the bar, raise the level and the threshold that had to be crossed before that is found to be a criminal activity. And what they did is they added a new clause 8(h) to say that if a person refuses:

“to provide funding or resources to a gang leader, gang member or gang.”

So they are introducing now, specifically. But any law abiding citizen who refuses to provide funding or resources to gang leaders and gang members, they are now protected by this if a gang member should take any retaliatory action against them.

It goes on at clause 8(3) to now say and to define properly and appropriately and, for the purposes for this section what a relative means and we now say a relative means in relation to a person:

- (a) “his parent, step-parents or guardian;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependant;
- (d) his brother, sister, step-brother, step-sister;
- (e) his grandparent; or
- (f) any other person responsible for the person’s care and support.”

So the Senate has seen by definition to go with as broad a net as possible, as broad a definition as possible, for a relative to provide a level of protection against retaliatory action by gang members.

Madam Speaker, we then move to clause 11 and the suggested amendments to clause 11 are now changes where we are dealing with: before we had a person once they had in their possession or under their care and control a bullet-proof vest, firearm, ammunition, prohibited weapon; that was the level we had it at. So you just had to have in your possession for use in gang activity: a bullet-proof vest, firearm or ammunition. The Senate has now proposed amendments which we on this side accept and we have raised the bar again to be:

“A person who –

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- (a) uses a bullet-proof vest, firearm, ammunition or prohibited weapon; or
- (b) has in his possession”—any of those items—“which he ought reasonably to know would be used, in the commission of a gang-related activity, commits an offence...”

So, we have changed the type of offence and the necessary ingredients of the offence and we have also made it two categories of offence, Madam Speaker. That is what is proposed and we accept it.

Then at that same clause 11 there is a new sub (2) that provides for the first time in this legislation—an express statutory defence is being introduced, and it says that it is a defence for a person charged with an offence, for example, using a bullet-proof vest, firearm, ammunition or prohibited weapon if a person is charged with such an offence, sorry, is having in their possession a bullet-proof vest, firearm and ammunition, if you are charged with that, and if you now have a defence that if you prove you did not know or could not have reasonably have known that that bullet-proof vest, firearm, ammunition or prohibited weapon in your possession would be used in the commission of gang-related activity, it provides an express statutory defence.

The next set of proposed amendments which are accepted—actually coming out of the Senate it appears as those in that House saw it fit to improve, if I may put it in that way, the types of penalties and sentences by raising the bar for the magistrates and the High Court judges to increase the sentences. And I think what they were indicating to us in this House and which we on this side accept, is the seriousness of these offences and therefore they have increased the type of penalty, the type of incarceration, the liability that these offences can now attract. So at clause 12 for a person who harbours a gang member, before we had five years as the—on summary conviction we had imprisonment for five years, the Senate have now suggested no. You harbour a gang member, the maximum sentence can now be 10 years.

You go down to clause 13, persons who conceal gang members, as we know happens, if you conceal a gang leader or a gang member before we had that your liability was imprisonment, a maximum sentence of 10 years. The Senate has suggested no, increase it by five years. It is now 15 years if you conceal a gang member. We accept that.

Clause 14, recruiting of gang members. Madam Speaker, as we know, unfortunately in some communities in Trinidad and Tobago, those who are engaged in criminal gang activity seek to prey on the younger members of the

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community and seek to prey on the members of the community who may be looking for some form of acceptance and drag them in and bring them into the gangs. So, we are now saying, it has been suggested and we accept it on this side, that if you recruit a gang member, before the maximum conviction on indictment was 15 years imprisonment, it is now been suggested it goes up to 20 years. We accept that. And in this particular clause, Madam Speaker, it deals in particular with the recruitment of children to gangs and we are saying if you go and you recruit a child to a gang, before the maximum imprisonment was 20 years. It is now being suggested again take it up by five years to 25 years. We accept that. This is us as legislators indicating to those who engage in criminal gang activity, leave our children alone. And if you are found guilty of it, you are now susceptible and liable to 25 years imprisonment. And the same thing is said, if you go and try to recruit anyone within 500 metres of a school, a place of worship, we are now increasing the sentence, the maximum sentence, from 20 years to 25 years.

Madam Speaker, we then get to clause 15. Clause 15, Madam Speaker, is an extremely important addition and we call it tipping off. And clause 15(1) now reads:

“A person who—

- (a) knows or suspects that a police officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence under this Act; and
- (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation, commits an offence and is liable on conviction on indictment to a fine one hundred thousand dollars and to imprisonment to twenty years.”

Madam Speaker, what this particular clause is being proposed for, and the particular area that it is trying to dampen, or to deal with is we have evidence on a number of occasions when the Trinidad and Tobago Police Service or sometimes the IATF, sometimes intelligence officers are planning an operation and to go in and to deal with criminal gang activity.

Someone, unfortunately sometimes even those who are in the service tips off those. In fact, we have a practical instance that we were told about at the National Security Council, where the police officer in charge decided to conduct a sting operation and he did not tell them—the officers that he was accustomed to calling to go on these raids—until he had actually gotten there and then he had an officer

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on the other side at the police station to monitor what was going on in the police station, and as the police raided this gang at the police station, an officer got a call by a member of the gang saying—sorry, a member there at the gang got a call from the police station saying “They are on their way, they are on their way”. The police officer in charge took the phone from the gang member and told the police officer who is at the police station “We are not on our way. We have arrived.”

So what this is particularly interested in doing and capturing is those types of instances, and not necessarily only police officers, and I am not suggesting for a moment it is only police officers who tip-off, it may be other persons in the system, but if you tip-off police who are going to deal with criminal gang activity, it is now a specific offence.

Interestingly, and I found it very interesting that this came from the Senate, at clause 15(2) it is now saying:

“Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—to a representative of, a client...in connection with the giving by the adviser of legal advice...”

What clause 15(2) is meant to do, Madam Speaker, is lawyers find themselves in this very precarious position sometimes where their clients may be criminals and may be members of a gang and they are protected by lawyer-client confidentiality. So their clients who are gang members may give them information and they, the lawyer will say “Go and tell my mother I have been incarcerated, or I have been charged”, et cetera, and what we are trying, what the Senate was trying to do, is to make sure that in those instances, the legal advisors, the attorneys have the protection of a defence that they will not be caught under the tipping-off provision.

Fortunately, when one goes on to read clause 15(3), clause 15(3) was a proviso and an exemption that I was particularly pleased to see, Madam Speaker, and I will tell the country why. Clause 15(3) now reads:

“Subsection (2)”—which is to do with lawyers—“does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.”

**3.00 p.m.**

Madam Speaker, as a member of the Bar, and as a member of the Bar for 20 years now, it saddened me to learn that there are currently persons at the Criminal

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Bar who practise in our criminal courts as attorneys-at-law who have been facilitating gang members in gang activity, and who have been participating in illegal communications with their clients, and actually assisting their clients, it appears, in running their criminal empires, and some of these gang members who are incarcerated, it appears, may be assisted by certain members of the Bar and, in particular, at the Criminal Bar, in continuing the conduct of what got them incarcerated in the first place.

I say it here without fear of contradiction that it appears as though there are some members, some lawyers, members of the Law Association, who have been assisting their clients who are gang leaders and gang members in continuing the conduct of criminal gang activity. And this clause here deals particularly with that and I call upon our law enforcement officers who are monitoring this to do the necessary and bring them to justice and let us see these lawyers marching to court in their handcuffs one day.

**Dr. Khan:** Will the Member please give way? Just a point of clarification on that last statement. Do you have evidence of what you have just said? And if you do have evidence, should that not be given to the police?

**Mr. Young:** Thank you very much, Madam Speaker. Madam Speaker, I take every contribution I make both inside of this House and, more particularly, those I make outside of the House very seriously. And I am very cautious in everything that I say to ensure that, yes, there is evidence backing it up. And what I said a short while ago, I said I stand without any fear of being contradicted, and I did say that the law enforcement officers who are dealing with it should do so expeditiously. So the law enforcement officers are already aware of the type of activity. It is not me reporting to them.

**Dr. Khan:** I was just asking.

**Mr. Young:** So then I move on. So, the answer is yes, the law enforcement officers are aware, and let us hope very soon we see some of these perpetrators being brought to justice which is what I said.

Clause 15(4) now provides a statutory defence for a person charged under this subsection of tipping off that if he or she proves that they did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.

Part three then goes on to powers of police. And now new clause 16, Madam Speaker. An amendment is being made with respect to police powers of entry, search and arrest and a magistrate issuing a warrant—this is the new clause 16(2):

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“A Magistrate may issue a warrant to a police officer authorizing the police officer to enter and search a dwelling house where the Magistrate is satisfied by evidence on oath that there is reasonable ground for believing that there may be found in the dwelling house a gang leader, gang member or a person whom the Magistrate has reasonable cause to believe has committed and offence under this Act.”

The next amendment now to the new clause 16(3):

“A police officer may enter without warrant and search any place or premises not used as a dwelling house...”

And the Senate has inserted, and we accept, “including a building, ship, vessel, carriage, box or receptacle”. So they have broadened the areas.

New clause 17, stylistic again. This is dealing with the detention of persons, and now providing the law enforcement authorities with a very important power respectfully, Madam Speaker, and that is the power to go and get detention orders. This legislation allows law enforcement officers to hold persons, I believe, for 72 hours whilst they are interviewing them and processing them, et cetera, before charging them. Again, experience will show that this is a very important provision, because very often as we have all asked the question, you know who a gang leader is. When a gang member is killed you always hear people say: “Well, he was a gang member, he was a gang leader” et cetera, and you then ask the question: Well why were they not ever charged for being in a gang or charged with criminal activity, et cetera?

Very often when persons are picked up, the police need the opportunity to go and do searches, to do further investigations before gathering that last set of evidence to be able to charge them, and that is where detention orders come in now because what we are saying is that the police, the investigating officers can at 17(1) without a warrant detain for a period not exceeding—I was correct—72 hours:

“a person whom he has reasonable cause to believe—

(a) has committed; or

(b) has interfered with an investigation of an offence under this Act without charging him for an offence;

So we are now giving the police the statutory power, which we hope will not be abused. But they have been now granted a statutory power to hold members who they suspect of being involved in gang activity for 72 hours.



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The Members of the Senate have also then proposed further on at 17(3)(b), where a person is being detained for this period of time, where it should be recorded. Before it was just that they should be made a record of the grounds for the detention of a person in custody, they have now said, well record those grounds for his detention in the station diary. Of course, it is felt that a station diary is an almost permanent fixture at the police stations and, therefore, rather than it be on some loose piece of paper or some form that can go missing, record a person's detention or the reason why you are detaining them for 72 hours in the station diary, so later on defence attorneys, prosecuting attorneys, can go to the station diary and see the contemporaneous record of why that person was detained.

Importantly now, you get to the detention order which is similar to what is done under the Anti-Terrorism Act and it says, a police officer may within 48 hours—so you do not have to go the full 72 hours of a person's detention—apply *ex parte* to a judge in the form set out at Form 1 in the Second Schedule for a detention order, and the application shall be supported by evidence on oath.

The Upper House has suggested, and we accept, an extra and an additional precaution that the application would be supported by evidence on oath. And I am sure, my friend, the Member for St. Augustine, will agree, that is to offer a level of protection for those who are in custody because, of course, you are going *ex parte* to a judge to have them detained for further, but there is now a permanent record where someone has to swear on oath and provide the evidence to that judge as to why they should be permitted to be detained beyond the normal course. A judge may grant that detention order.

We have added now at subclause (7) that:

“A person detained in accordance with subsection (5) may make an application to a Judge showing cause why the detention order should be discharged.”

A very important protective mechanism here, that if a detention order is granted by a judge, the person who is subject to that detention order may then apply to a judge and ask that they be showed cause why the detention order should—so it allows a person, in those circumstances, to apply to a judge to have that detention order discharged.

The next set of amendments at new clause 18 are to deal with forfeiture of property and, quite usefully, there is now an introduction of a new procedure that introduces the Registrar of the Supreme Court, publishing a notice identifying

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property that is to be forfeited as a result of convictions under this legislation, and they are putting in place now that the Registrar of the Supreme Court should publish notices and, presumably, that is to allow persons who may or may not have an interest, who are not the persons who have been convicted, to make applications to the court to supply the court with reasons why the property should not be forfeited.

“A person who claims to be the owner of, or to have an interest in, the property shall file a notification of interest in the form set out as Form 2 in the Second Schedule, with the...Registrar of the Supreme Court of Judicature...within two weeks of the date of publication...

Before making an order under subsection (1), the Court shall give an opportunity to be heard...”

So it is providing a protective process before the final forfeiture of property under this Act.

New clause 19, what we are saying is the Minister with responsibility for national security may by order “subject to negative resolution of Parliament” amend the Second Schedule. So it seems as though those in the other House—and, again, we accept it—have tried to introduce yet another level of protection as they would have seen it, that before the Minister changes any of the forms in the Second Schedule or anything in the Second Schedule, there is an opportunity “subject to negative resolution of Parliament” for us in the Legislature to file and to ask that a Motion be debated as to why or why it should not happened.

Madam Speaker, those are the proposed amendments which we on this side accept wholeheartedly, and we thank those in the Senate for the suggestions made. The hon. Attorney General, the substantive Attorney General, saw it fit to adopt and accept those amendments in the Senate and that is to the main legislation.

We then move to the First Schedule. Madam Speaker, a number of offences captured under “gang-related activities” were expanded in the Senate. My understanding from reading the *Hansard* contributions in the Senate and, in particular, the committee stage, it appears as though this was largely driven by the Independent Senators. And the feeling and what I gathered from the debate in that other place for the introduction—and I would get to what the new offences are—was that they wanted to go after the “big fish”.

There was a suggestion that very often those who are held for participating in gang activity are not the real ones at the top of the food chain and, therefore, those

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at the top of the food chain are more in organized crime, and may be engaging in activities that are a lot more sophisticated than sitting on a block and selling illegal drugs or going with their arms and ammunition to carry out the scourge of crime and to terrorize citizens. These are persons who may be sitting down in all sorts of places in the most comfortable of circumstances, because they are at the top of the food chain in organized crime.

So what has been introduced now from 29 to 46 are the following offences, which we support to be captured by gang-related activity offences:

29. “Offences under the Prevention of Corruption Act”

I can see no reason why anyone would protest to those who have offended the Prevention of Corruption Act from being captured.

30. “Offences under the Trafficking in Persons Act

31. Misbehaviour in public office

32. Offences under the Gambling and Betting Act

33. Attempting to blow up a building with the intent to do any bodily injury to any person”

As we would have heard recently over the Carnival period with the terror threat, there are the possibilities now—the way the globe is going and with terrorism—for persons who are essentially in gangs, because it is a gathering of persons with an intent to carry out criminal activity. So we are saying, if you attempt to blow up a building with the intent to do any bodily injury to any person that is now captured.

“34. Manslaughter

35. Hijacking

36. Hostage-taking

37. Causing or inciting prostitution

38. Controlling a child prostitute

39. Causing or inciting a child to engage in sexual activity

40. Offences relating to dangerous drugs under the Children Act

41. Offences relating to child pornography under the Children Act

42. The keeping or management of a brothel

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43. Detention of a person in a brothel
44. Procuration for the purposes of prostitution
45. Living on the earnings of prostitution
46. Meeting a child following sexual grooming”

And from listing these new offences, Madam Speaker, it is very easy for the citizens and the public to understand what are the ills that we are trying to combat, and that we as a legislative body and group have a responsibility to provide the police with the power to combat, and we on this side have absolutely no problem in adopting those suggested amendments, which I understand were passed unanimously in the other place here today in this House.

Madam Speaker, the other amendments are really amendments to the forms that are found in Schedule two—well the forms, Form 1 and Form 2—which really come out of the amendments that I have gone through with some level of detail previously.

Madam Speaker, as a citizen of Trinidad and Tobago, as the Member of Parliament for Port of Spain North/St. Ann’s West, which unfortunately is an area that has had its own problems with gang-related activity, I would like, importantly as a citizen, to implore on all of the Members of this House here today for us to move past this and make it history, and to accept all of the amendments proposed.

So without any further ado, this may go on to become the law of the land of Trinidad and Tobago, thereby allowing the Trinidad and Tobago Police Service, and all of those who are charged with the responsibility of ensuring our safety and the safety of our citizens, to take it to those who are engaged in criminal activity as gangs who, in my view, are really a gathering of cowards who are attempting to terrorize our citizens, let us today leave this House, Madam Speaker, having given the Trinidad and Tobago Police Service and the citizens of Trinidad and Tobago this very important piece of legislation, which we on this side now, for the third time in our administration, are saying we want to give this tool in the arsenal of the fight against crime to the protective services for them to do their jobs to protect us against gang-related activity.

Madam Speaker, with those few words, I thank you for allowing me the opportunity to make a contribution and I beg to move. [*Desk thumping*]

*Question proposed.*

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**Dr. Moonilal:** Thank you. Thank you very much, Madam Speaker. Madam Speaker, I join the debate on the amendments which are before us, Madam Speaker. These are amendments to the Anti-Gang legislation. As the Member moving the Motion indicated, these are amendments made in the other place and they are before us today for approval. We have taken a decision to debate all the amendments together so it saves us standing up and sitting down and speaking on one at a time.

Madam Speaker, my colleague opposite, dealing with the amendments, gave us an introduction that lasted seven minutes, from 2.35 p.m to 2.42 p.m. I propose to take no more than seven minutes in my introduction as well. [*Desk thumping*] I propose to take no more time than the Member did with the introductory remarks.

Madam Speaker, it is well known, the history of this legislation. It is well known that this has been a bugbear in the public domain, and we have had the parliamentary political and public toing and froing on this issue. Having heard the entirety of the Minister's presentation today, I conclude in the introduction, thank God the Opposition did not support this in December 2017, [*Desk thumping*] because the Member came today and spoke in glowing terms with great approval of the amendments in the other place, which served to crystallize and which served to enrich the Bill. So that it may well be that the December occasion—I think it was December 7<sup>th</sup> I was not in the House at that time. It may well be God's work as well that the Bill was not passed on that occasion given the enormous amount of work and enrichment that we have heard today. And when I also reflect on the *Hansard* contribution of the other place, I saw the enormous value as well of the Independents and the Opposition Members, their contribution to this matter.

Madam Speaker, there could be no doubt that this is an important piece of legislation. Regrettably, there has been a lot of political debate on this matter, on December 7<sup>th</sup>, in particular, in the wee hours of the morning. I read the *Hansard* account—I was not here—and I felt that on that morning had the Government had the benefit of just one or two more seasoned politicians, with a calm head and with some stability and understanding of parliamentary procedure, we could have adjourned then and return at another day and possibly pass the legislation with some measure of compromise. [*Desk thumping*] But what I saw in the *Hansard* and what I read in the newspapers account suggested that there was this attitude of: "We going home, we going home. We want to go home", and with that attitude of we are not compromising.

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And there was another point made by the speaker before me when he raised a very critical issue of participation and the tipping off matter, and while it is true that we must speak in the House and speak the truth and speak with evidence, sometimes there is a little balancing between speaking with evidence and speaking responsibly. [*Desk thumping*]

**Mr. Ramadhar:** Correct.

**Dr. Moonilal:** Because we also have a duty to be responsible, and sometimes that means not speaking with the evidence that we may have, and I will come to that in a little more detail as well.

So that there we are, December 07, 2017, and there was a crash in the House. We went back to the table. It was the Leader of the Opposition, for the record, that in January wrote not one, but on two occasions to the Prime Minister calling for this matter to return to Parliament [*Desk thumping*] and the Leader of the Opposition with considerable—

**Madam Speaker:** While I give you an opportunity for context, I will not allow us to go into a whole debate with respect to what happened in any big set of detail. I think we have done all of that already, and let us get quickly to the matter. So I would allow you some context, but I am not going to allow any sort of big development of that, please

**Dr. Moonilal:** Thank you very much, Madam Speaker. I did not propose to do a big development in it, but rather to indicate that we were here returning to the House—I believe in March—as a result of the Leader of the Opposition intervening to get the Bill back on course. [*Desk thumping*] We did have a debate on that day, and unless I am mistaken, it was only the Leader of the Opposition that contributed to the debate, suggesting the importance that we felt that we did not even want to detain the House on that day, with several contributions that led to overriding conflict that could yet again derail that process. [*Desk thumping*] The Leader of the Opposition spoke and in her contribution put the context in place. We could refer to that.

Madam Speaker, the matter went on to the other place, and today we have before us several clauses. Another general point I make at the beginning—because I could make it for every clause if I want to, but I really want to make it for the beginning, so I do not have to repeat it—is that while we make law—and we may be making good law—I ask the Government to appreciate that from this Opposition there are times when you will get critical opposition, but that does not mean you will get opposition. It means you will get critical opposition [*Desk*

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*thumping*] because we will, as we have done before, support measures and Bills and Motions in the public interest. When good law comes to us we can recognize it—we will pass, we will assist you—but you must understand there is something called critical opposition that we maintain the right to make a critical appraisal. [*Desk thumping*] That does not mean that we will necessarily not support your measure and do not take it like that.

So, Madam Speaker, the powers that we give in all these amendments are enhanced powers, enormous powers to the police, in particular, to do all sorts of thing. In fact, the amendments that came back today propose to even widen powers—I will get to that just now—but, in doing that, while we can compliment the Parliament, the Government, the Opposition on giving the tools for the protective services and law enforcement community to deal with this crisis that we faced in the national community, there can be no doubt we are in crisis, Madam Speaker. We are in a crisis, where for this year alone we have had 145 murders—last year 1,200. Many may be gang-related, I do not know, as a fact.

But, Madam Speaker, in this crisis that we faced ourselves in, we are giving greater powers to the police and the amendments—I can look at them individually which I would do in a few moments—provide—but we have to assess which police force—which police service are we giving this enormous power to? It must be one that is also professional, responsible and professionally managed and stable. [*Desk thumping*] And we meet hours after we have had a shootout between two police officers, and in that would be the commissioning of offence and so on.

And today, Madam Speaker, we may be requesting that tied to this type of power that you are giving police officers—this wide range of power on citizens who you believe to be members of gang and so on—we should really be pressing as well, tied to this, to have a new regime for the regular mental and psychiatric assessment of police officers to prevent those—[*Desk thumping*]

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(1) please.

**Madam Speaker:** Member, again, I want you to remember what we are here about and we are speaking about the amendments. So please get back to the amendment and let us speak to what amendments are before us.

**Dr. Moonilal:** But, Madam Speaker, I will repeat that point in a ‘lil’ while, but I would tie it to an amendment which I think you will prefer I do. So, let us go. Madam Speaker, I know they would like me to say, clause 4, so we will do it that way, and I will get to the point I want to make.

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Madam Speaker, clause 4, let us get to it. Law enforcement authority, and there is now an amendment in the other place and the Minister proposes that these are good amendments that were made there—they were not made here—and you have a situation now where there is a widening of the definition of law enforcement authority, Madam Speaker, and it proposes:

“after paragraph (e), insert the following new paragraph:

(f) a constable as defined under the Supplemental Police Act;”

Madam Speaker, when this is read, I just wanted to raise one question about this, to ask for some clarity, if we could, on whether or not this would include as well Estate Constables, because under the Supplemental Police Act, we have the regime that gives the Estate Constable. Now what is an Estate Constable? An Estate Constable is one established under the Supplemental Police Act, and they operate in various state enterprises—they operate at the Airport Authority I believe; they operate in other areas, CDC and so on. We also have a wide body of people in what is called the unregulated private security industry. Since, I think, Russel Huggins was Minister of National Security in 1994, we have been trying to get passage of legislation to regulate that sector.

Now, the question that I ask is: When the law enforcement authority is expanded to include Estate Constables, would it also include members of this private security industry, unregulated sector to participate in this wide range of activity under the Anti-Gang legislation? And to what extent would be the Estate Constables trained and evaluated to deal with this? If it excludes Estate Constables, then it is fine, then we will have no problem. It is just a matter of clarification.

Madam Speaker, they go on, school and orphanage and so on. There were no major problems there. And as I said, as I go along, it is not that we are here today to necessarily vote against these measures, it is really to give some clarification, some education to the members of the national community and those of us who were not privy to the debate in the Senate necessarily.

So that whether or not this opens a door to provide powers under the Act to an unregulated number of persons, because the definition of “protective service agency” under the Supplemental Police Act States—and I just want to quote:

“‘protective service agency’ means a body corporate registered under the Companies Act whose principal object is the protection of persons and property by providing guards and escorts and approved for that purpose by the Minister;”



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The Minister also plays an enormous role in the Supplemental Police Act by giving, I think, statutory approval for the activity, and I think under the Estate Constable system as well they are also precepted, members of that community of officers. Madam Speaker, rehabilitation centre and so on, that is just a clarification in that sense.

We go to clause 6, and I would just read it in reference to the Act because it could be understood, I think, better when you refer to the Act that has been passed. So we go to clause 6, and:

“In subclause (1) -

...delete the word ‘or’;”

Well, that is simple enough. Delete “(c)”, and “(c)” is being deleted. “(c)” reads and insert the new paragraph, but we are deleting, a person:

“(d) professes to be a gang leader or a gang member in order to—

- (i) gain a benefit...
- (ii) intimidate other persons; or
- (iii) promote a gang,”

Commits an offence. We are now putting a new “(c)”:

“(c) performs an act as a condition for membership in a gang;”

And then go on to do a:

“(d) professes to be a gang leader or a gang member in order to—

- (i) gain a benefit for himself or another person;”

So we are really introducing:

“(c) performs an act as a condition for membership in a gang;”

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This, I believe, unless I am mistaken, was also a recommendation from the Opposition at the time, and we will have very little problem with this matter. The reasoning, it was clear I think, in the other place, Madam Speaker, that this would have also expanded the interpretation of the action that you want to create the criminal offence for. Madam Speaker, it goes on in subclause (3); the Bill reads:

“A person who commits an offence under subsection (1)(b) or (c)...”

Well, it will be renumbered now.

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“is liable...on summary conviction to imprisonment for ten years, and”—  
on—“a subsequent...conviction”—on indictment—“to imprisonment for  
twenty years.”

And it now reads:

“A person who commits an offence under subsection (1)(b), (c) or (d) is  
liable in the case of a first offence...”

So they created this two-tier system as the Minister indicated. But, Madam  
Speaker, it is very important because there are changes in sentencing that you are  
going for 25 years, and, again, giving certain powers to police officers, and also  
those under the Supplemental Police Act to be conducting investigations and  
arresting, and so on. [*Interruption*] Okay. Madam Speaker, the Minister will  
surely clarify that, both for the *Hansard* and with reference to that.

Madam Speaker, where at C, delete subclause (4) and substitute a new  
paragraph. What is subclause (4)—we are in 6(4):

“Where a police officer, prison officer, member of the Defence Force,  
constable appointed under the Supplemental Police Act or the Special  
Reserve Police Act, member of a protective service agency or a person  
involved in law enforcement or intelligence gathering commits an offence  
under this section, he is liable on conviction...for twenty five years.”

Madam Speaker, they are saying now:

“Where a member of a law enforcement authority or a person involved in  
intelligence gathering commits an offence under this section, he is liable on  
conviction...for twenty-five years.”

So we have had this introduction, I believe, of intelligence gathering.

Madam Speaker, it is really seeking to create an offence for breach of an act  
by someone involved in gathering intelligence, and so on. It is, we believe, a  
dangerous provision, because intelligence gathering, unless we are mistaken  
again, Madam Speaker, the notion of intelligence gathering is not properly  
defined. So, Madam Speaker, in the Bill itself they deal with gang-related  
activity. We will come back to that, but there appears to be no definition of  
intelligence gathering, and we are creating this offence now where a member of  
law enforcement authority, and that could be supplemental police as well, or a  
person involved in intelligence gathering commits an offence under this section.  
And the section, just to put it in context, deals with gang membership. So, what  
is intelligence gathering? Who are you working for necessarily in intelligence

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gathering? I am sure, Madam Speaker, from understanding the entirety of the ill—and I did contribute to this many years ago and did join with other colleagues. I think the Member for Naparima, Sen. Ramdeen and Sen. Haynes, I believe it was, we did participate in another meeting, I believe, on February 16<sup>th</sup> this year, with the Government on this matter.

So that, again, if we would ask the relevant Minister today, the Acting Attorney General, if he would choose to expand on the operationalization of this, as to why and how it came into being, because there were some objections in the other place by those of us—well, by the Opposition Members. Madam Speaker, we would just tag that matter. Clause 6(5), as the case may be, delete subclause (5) and introduce a new clause. Let us see. We are deleting, Madam Speaker:

“A gang leader or gang member who unlawfully and maliciously—

wounds or causes...bodily harm...

shoots at...

a police officer...member of the Defence Force, constable...member of a protective service agency...person involved in law enforcement or intelligence gathering, commits an offence and is liable on conviction...for thirty years.”

And we are putting now, Madam Speaker:

“A gang leader or gang member who, with intent-

wounds or causes...bodily harm...

to do some grievous...harm, shoots at,

a member of...person involved in intelligence gathering, commits an offence...liable on conviction...”

Madam Speaker, “commits an offence”, I think there is very little here. There is just some minor issue of “languaging” that they deal with here.

Madam Speaker, we had a problem when this matter was debated in the first place. I remember distinctly when this matter was debated in its entirety before, that was prior to December 7<sup>th</sup>, that we had this problem with the notion of relative, and the notion of relative came about in the other place. It did, Madam Speaker, expand and really clarify the nature of the persons who will be the subject, you know, of any retaliatory action, and it was indeed supported by the Opposition. But it was a matter, if we will recall, that was also raised in this House. This matter of the narrowness of the definition of “relative” was raised in this House, and we cannot complain because in the Opposition as well as in

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the Senate in the other place, supported this. The amendment, I believe, from my readings was proposed by a Member of the Independent Bench there.

Madam Speaker, 8(1), that received support as well, so it is nothing that we will deal necessarily with at this stage. Madam Speaker, clause 12, the matter of deleting clause 11—I will get to that first—deleting clause 11 and then putting in a new clause 11. Clause 11 in the parent Act deals with possession of bullet-proof vest, firearm, ammunition or prohibited weapon for the benefit of a gang. Madam Speaker, clearly this has been a real problem facing law enforcement for some time. It was dealt with here, and in the new setup that they proposed here at 11(1), they are substituting and putting now:

“uses a bullet-proof vest, firearm, ammunition, or prohibited weapon; or has in his possession a bullet-proof vest...which he ought reasonably to know would be used...”

So I think it is an expansion of that matter. And our comments on that, Madam Speaker, had to do with the definition of “firearm” and “ammunition”. I believe it is also being defined in section 4. The ammunition and firearm, they both have the meaning assigned to it in section 2 of the Firearms Act. That was a concern raised and I think that was settled before.

Madam Speaker, going through here, the other matters—in fact, in clause 11(2), I think by expanding this way, unlike the parent Act or the Act that has passed, it provides a defence for a person charged with an offence under subsection (1)(b):

“if he proves that he did not know or could not reasonably have known that the bullet-proof vest, firearm...prohibited weapon in his possession would be used in the commission of a gang-related activity.”

So it switches the responsibility there. Madam Speaker, 12, 13, 14, they are really offences that you have increased the penalty for. So that it is very important to note that in 12, 13, 14, and other places, but 12, 13, 14 listed together, you are giving increasing power. You are making these offences more harsh so that we are not—when persons are convicted now their deprivation of liberty increases, that you get longer jail sentencing, and so on. And therefore when things like these happen for lawmakers, Madam Speaker—I have been here for several years—you have to balance even in a more cautious manner, powers you are given [*Desk thumping*] in relation to penalties you are putting. So where you have a case when an offence is five years you have a balance, but if you have a case where an offence is 50 years, 45 years, there is a greater caution that you come to the table with to discuss, you know, the matters before

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you.

Madam Speaker, the interesting one for me now to get to is this matter of tipping-off, clause 15, and it is a new clause, so everything after 15 has to be read one-plus almost, right. It was a matter that was supported by the Opposition, and we are not here today to necessarily oppose that. We are here today to raise some issues for clarification. So it is not that—unlike what happened when they were in office. You know, when they were in Opposition '10 to '15, their Senate would vote one way and the House would vote another way. The Member for St. Joseph remembers that well. And we were told that it is two different sides we are dealing with and we cannot look at them together as one. That does not operate with this Opposition, [*Desk thumping*] we deal in conformity with colleagues there, and eventually we did support that. [*Crosstalk*] Madam Speaker, let us get back to tipping-off, because— [*Interruption*] They are interested in “tripping off”, not tipping-off.

Madam Speaker, the tipping-off, and let us go to that because that is a very, very serious matter. It is completely new. The Minister did not tell us if in other pieces of legislation elsewhere in the Commonwealth, you have this. I suspect you may have it elsewhere, because I doubt we would be the first country to put tipping-off in legislation. But let us get to that because there are a few comments here.

“A person who—

knows or suspects that a police officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence under this Act;”

So let me read this in a particular way, which is a logical way, but I will leave out the “knows”:

“A person who—

...suspects that a police officer is acting...”—or:

a person who knows or suspects that the police officer is proposing to act, in connection with an investigation which is being, or which is about to be conducted into—

It is going to create an offence here just now. So:

“A person who—

...suspects that a police officer is...proposing to act...or is about to act—conducts—“an offence under this Act.,”

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“A person who—

discloses to any person, information or any other matter which is likely to prejudice that investigation, or the proposed investigation...”

So a person has a suspicion that the police officer is proposing to act or is about to act, and gives out information on any matter which is likely to prejudice that investigation, or that proposed investigation, commits an offence and is liable on conviction on indictment to a fine of \$100,000 or imprisonment of 20 years.

Now, that to me is heavy, because tipping-off means that you suspect that a policeman or a policewoman, a WPC—you suspect that that person is about to conduct an investigation, and you give out information or any other matter that can prejudice the investigation that the person is about to engage in—commits an act and you go to jail for 20 years. Now, unless somebody guides me here, I really believe this is harsh. Having said that, it may be what is required, but it may be required that police officers are professional in their duty—are stable, and, Madam Speaker, in relation to this matter, are not politically partisan in the conduct of their duty. We really believe that given recent events we should have regular, psychometric and behavioural testing for police officers. [*Desk thumping*]

We have had a situation where a High Court judge has found a senior officer to be far from the truth in testimony. So, Madam Speaker, you are putting now these type of offences on the law books, and we have a situation, as we saw only a few hours ago, where we had a shoot-out in the “wild, wild west” involving two police officers, and senior police officers as well. What are we doing when we give power like this into the hands of police officers that may not be regularly evaluated for their mental and psychiatric condition, their state of depression? [*Desk thumping*] Because, Madam Speaker, I am not commenting on the actual situation and what it was, and what is not, and who did this and “who do what”. We all go through our stress, Madam Speaker, some have more, some have less, you know, and whether, as Couva South would say, or the Member for Caroni East would say, whether it is the echo or “is the something else,” you have to deal with your stress. Police officers are in a special position. They are special employees of the State. Because of the job they do, by definition they are under enormous strain, enormous pressure, enormous mental challenge, so they cannot be found wanting when they carry firearms and they conduct that type of work, which by itself is stressful, by itself. Even if you do not have any other problem, that work is stressful, and to now place this type of, you know, power that you could put a charge that carries 25 years in jail because somebody has to know,

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somebody has to suspect that you are about to conduct an investigation, they have to leak information, or any other matter and run afoul of you.

Madam Speaker, it is a matter that I would like to say that we should be very cautious about. Having said that, we can understand that in this world that we operate, where we have had gang-related activities and very serious criminal offences—the worse, the most heinous crimes being committed and linked to gang-related activity—we can understand that an offence of tipping-off might be something that would be useful to law enforcement agents. And if it is useful to law enforcement agents, and so on, we must also ensure that it is not abused.

**Madam Speaker:** Hon. Member for Oropouche East, your original 30 minutes are now spent.

**Dr. Moonilal:** Please, Ma'am.

**Madam Speaker:** You can proceed.

**Dr. Moonilal:** Thank you very much. [*Desk thumping*] So, Madam Speaker, we go with that. And if we wanted any other doubt about it, Madam Speaker, we just continue, you know. Incidentally, I wanted to make a couple of points on this matter where the new clause—so this is a new clause to this House—the new clause sets up a section where if you are a personal legal advisor—and we interpret that generally to mean a lawyer—you disclose matters, and so on, to your client, you cannot fall within the four walls of this offence, and they set up an “unless” as well. It does not apply in relation to information or other matters which are disclosed with a view to furthering any criminal purpose.

Then the Minister went on to make in his contribution a most fascinating, and I believe a most regrettable journey, excursion into information that the Minister, when questioned by the Member for Baratavia/San Juan, the Member for Laventille—said that he made with great confidence and with evidence in his possession. I put it to the Minister that that evidence in this possession could not come and ought not to have come from police, because you do not have information from the police. You can get information from another source, the National Security Council. But at the National Security Council one should not use any information you get from the National Security Council in the public domain. [*Desk thumping*]

And, particularly, there is another issue here: While you may request from police, data on crime-solving detection, you never, as a principle, ask for or

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receive any information on evidence before the police, the conduct of their duties, and what they are doing. Now, where else will you get this information from, unless a lawyer confesses to you?

**Hon. Member:**—whistle-blower.

**Dr. Moonilal:** So now you are saying, if I heard the Member correctly, a whistle-blower “whistle blow” this to him, and he stands on that evidence of the whistle-blower. Untested as it is, that is the evidence on the platform from the whistle-blower. So you hear *mauvais langue*. [*Desk thumping*] Now, when people tell me some things in this society, Madam Speaker, I want to tell you, I hear things about everyone on the other side, everyone I hear.

Sometimes I get information about colleagues opposite and I ask the person telling me, I need to get something in writing, do you have anything in writing. When they say—that is the whistle-blower, you know, and a whistle-blower could move from “blowing whistle to blowing horn”. Madam Speaker, when I receive information I lift my glass and I say, cheers, because your information deserves a beverage. It deserves nothing more, because you have nothing in substance. [*Desk thumping*] So Government Ministers, particularly persons who operate beyond their domain should be very careful of using whistle-blower information and standing on a platform and saying, I have evidence, because, you see, if you do not have it from the whistle-blower, you have it from the lawyer, then it is your duty to tell the police because somebody confessed to you, but you cannot get it from the security agencies. So that today we are getting information from my colleague opposite, and I took note of it—lawyers assisting clients in the conduct of criminal activities, gang-related criminal activities, and linking that to members of the Criminal Bar. And you would like to see them—hear this one—marching to court in their handcuffs. That is what was said in this House, and I am speaking with evidence. Now we learn it is evidence from the whistle-blower. Madam Speaker, there should be more responsibility [*Desk thumping*] in these matters.

I am not here defending criminal lawyers or members of the Bar, or members of the Law Association, and so on. I do not know their business, Madam Speaker, but what I do know is that we have a duty to be responsible and not reckless as we divulge information. [*Desk thumping*] You see—and we cannot under any circumstances cross that line where politicians get information on sensitive investigations undertaken by the police, you ought not to receive that information, you ought not to use it—you cannot. In fact, there is a line in the sand that must be drawn between the politician and the police officer. [*Desk*



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*thumping*] So, Madam Speaker—and you see that whistle-blower could also be the person for tipping-off, that could be the “tip-offer” as well. [*Interruption*] Yeah, the whistle-blower could be the “tip-offer” as well. Madam Speaker, and you engage in a tangled web, and the tangled web, if abused by law enforcement, carries 20 years in jail—tipping-off. So the section goes on, they put in an “unless” here to protect legal representatives, but to say, unless it was in view of furthering a criminal purpose.

And (4):

“It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”

Now, I just want to ask in a layman sense really, how does someone know what is going to be a proposed investigation? I do not know if someone knows “what is an investigation”. If the police are conducting an investigation, Madam Speaker, I do not think—nobody knows, nobody ought to know, unless the police approach someone who they have an interest in and they interview, nobody else ought to know that. The police do not put up an ad in the newspaper and say, we are conducting the following investigations. They do not do that. But far from that you are saying now that the person who is charged with an offence—so you are going to be charged here; you are going to be charged with the offence first of tipping-off, you have to prove that you did not know, you did not suspect that the disclosure was likely to be prejudicial to a proposed investigation, and there we are. There we are. I say no more, Madam Speaker.

Renumbering clause 16, so we will go to clause 16, Madam Speaker, which ought to have been clause 15 in the original measure, and it deals with police powers of search entry arrests. Madam Speaker, they delete clause 2—and I will get my notes in order. I suspect there were also recommendations from the Law Association, if I am not mistaken. And, Madam Speaker, you see how good comes out of everything? We were able to receive recommendations from the Law Association, Independent Senators—think legislation through, rather than beating and bullying the Opposition at 2.00 a.m. in the morning, [*Desk thumping*] and saying, take it or leave it. If we take it we would not get it, Madam Speaker, because we would not have this enlightened series of amendments. Madam Speaker:

“A Magistrate may issue a warrant to a police officer authorizing the police officer to enter and search a dwelling house where the Magistrate is satisfied

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by evidence on oath that there is reasonable ground for believing that there may be found in the dwelling house a gang leader, gang member or a person whom the Magistrate has reasonable cause to believe has committed an...Act.”

The magistrate, unless I am mistaken, I think the Member for St. Augustine knows much more about these matters as a legal representative than myself, but the magistrate will act on what information is given on oath.

The magistrate is not an investigator, is not a detective. So if a police officer—and we must admit, there are some—not all, and maybe not many—there are some police officers who may be up to no good, and if they go by the magistrate with a sworn statement, Madam Speaker, and show the magistrate that they have evidence on oath that there is reasonable grounds for believing that this would be found in a dwelling house, and so on, they commit an offence under the Act. Madam Speaker, do you know how much properties of people have been searched over the years? And one day I will ask for the data to the relevant authority. I will ask for annual figures on how many search warrants were executed per year and how many of that would now be connected to pressing charges, prosecution as at point A, and how many have been connected to a conviction for criminal acts or criminal actions. Because, you see, they will go by a magistrate with evidence on oath and tell the magistrate, “Look, we have reasonable cause to believe this”, set out one, two, three, four, five, six. The magistrate looks at it, he or she is not an investigator, they say, “sure, take it man, go and search, go and search”. And you see what happened, many, many people have been the subject of search warrants, and so on, and nothing has happened thereafter—including journalists in this country, including journalists.

So that in the wrong hands these type of offences can be used as draconian measures to persecute political opponents, [*Desk thumping*] journalists, trade union leaders, religious leaders who you are in conflict with, and I warn against the abuse of this. Madam Speaker, maybe we should think of more, but not today necessarily, because we want to get through this business in an orderly manner and get the Government, you know, to get this in motion quickly. But at another time we should talk about further defences for the people in legislation like this, because further defences for the people in legislation like this— [*Desk thumping*] and I will come to it in a little bit, Madam Speaker.

“In subclause (3), insert after the word ‘dwelling house,’ ...”

Subclause (3), it deals with the same issue. I would not read the whole thing, but they deal with—a police officer may enter without a warrant and search a place

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or premises not used as a dwelling house if he has reasonable cause. So you have a power to enter without a warrant, search a place or premises not used as a dwelling house, but after dwelling house include: building, ship, vessel, carriage, box, receptacle, so you could really enter anywhere. It could be—what you call these things, a container, a port container somewhere that somebody has. It could be a box. It could be a carriage. It could be a car, a bus—[*Interruption*]

**Hon. Member:** A dog house.

**Dr. Moonilal:** Yeah, a kennel, maybe. Anywhere, Madam Speaker, you could enter without a warrant. You are giving this power now and you are expanding it and defining it. And, Madam Speaker, these are powers to be used by a police officer.

For today, Madam Speaker, we will cross this bump. What I have raised is really a bump on the road, and we will cross that today without doing damage to the vessel. We will cross that, but on another occasion we may have much more to say about that. Madam Speaker, let me get to the other point now. [*Interruption*] The last thing I would really go on—because others may want to talk as well, I do not know—negative resolution of Parliament, well, that is, I think, something that we could accept. The other matter—well, we dealt with that in the full debate, I would not go back into that. But hear the extension now, I spoke about these enhanced powers for law enforcement, police officers, supplemental police officers, and so on, and we have increased by, I think—how much the number is?—19, from 28 to 47. We have added 19 new offences to be captured under the rubric of the Anti-Gang legislation, and they include, Madam Speaker: matters of prevention of corruption, trafficking in persons, misbehaviour in public office. You know, if we object to this there is firestorm today, you know. It has 19, including living on the earnings of prostitution. Now, I could imagine what they will accuse us of today if we object to this. If we came to this House today and launched an objection on this, well all hell break loose today, Madam Speaker. So I want to let the Minister know early o'clock we are not going to object, we are going to raise some caution, that on these matters there are wide offences. [*Desk thumping*] You are again adding it under the anti-gang offence, almost everything.

**4.00 p.m.**

And I am hearing already about financiers, because it is only on this side they have financiers. On their side they do not have financiers. They do not operate with financiers there at all. [*Desk thumping*] They operate with selling “toolum” and “jub-jub” and so on. And their Minister last week told us they saved money

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from election to build a whole headquarters.

These matters are important. We do not have an objection at this point, but again a warning that if in the wrong hands of police officers working in collusion with political operatives, they can be used to undermine, to oppress and to suppress citizens who may have nothing to do with criminal offences under the legislation, but they can be used. Because I read the record on this, I understand somewhat where the substantive Attorney General claimed to be going. He was making a reference, and I think his example he was using was police officers. He also said immigration people, who may be involved in some type of hanky-panky with gang-related people. So we understand where he intends to go, but it is where they can go by abusing innocent citizens.

**Madam Speaker:** Hon. Member for Oropouche East, your time is now spent.

**Mr. Young:** Thank you very much, Madam Speaker. I do not intend to be very long, there is not much to reply to. The first and most important one and once again—[*Interruption*]

**Dr. Gopeesingh:** Prakash wanted to say something.

**Mr. Young:** But I asked.

**Mr. Imbert:** “He stand up already; look, talk to de Speaker.”

**Mr. Deyalsingh:** We asked him, he said no.

**Mr. Young:** Thank you very much. Madam Speaker, for the record I had indicated to the Members on the other side that if there were not any other speakers I intended to wrap up. I was told there were no speakers and I may proceed to wrap up. So I apologize to the Member for St. Augustine. It was not intentional on my part whatsoever.

Madam Speaker, the one point that concerned me, but I guess what it showed is that the previous speaker—I guess what I will chalk it up to is a lack of experience in the courts and the understanding of the legislation, because a lot of ado was made about estate constables. And the impression that was given, and it concerned me for a couple seconds, was this reference in the expansion of law enforcement officers, law enforcement authority, to include a constable as defined under the Supplemental Police Act. You would recall that the previous speaker said that that now encaptured estate constables, and the impression that was given is now that a security officer, a security guard, an estate constable, can go and have all of the powers under this Act.

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If my friend had simply read in the very short Act, 20 clauses where there is reference to law enforcement authorities, he would see that what it is doing is a simple provision where law enforcement authorities are protected. So what they are seeking to do is provide protection to those estate constables and SRPs from gang-related activities, but it is not giving them any power whatsoever for search and seizure, any of the police powers. So it is only the protective provisions that refer to law enforcement authorities, that is where there is retaliatory action, as well as, I think that is the only area that law enforcement authority is referred to; sorry, and then also when it deals with gang membership.

So at clause 6(4):

“Where a member of a law enforcement authority or other person involved in intelligence gathering commits an offence...”

So it is only two areas that that special definition of “law enforcement authority” is captured, if they commit an offence under this Act, so it captures all those estate constables, special reserve police officers, et cetera, then they are guilty of offences, and then also where we are seeking to create a specific offence, that if you attack, threaten, et cetera, anyone in that area with retaliatory action, then it is also captured there, but they have no specific or special powers whatsoever. I am sure what it is, is that my friend really did not have the time to look at that properly.

The other area that you referred to was relative, and as we have accepted in this House there is now a broader definition of “relative”. I did not hear him make any argument as to why one should not go along with that definition of “relative”.

Tipping off—Madam Speaker, a lot of reference was made to tipping off from my previous contribution on tipping off. I am not going to get back in there. That will stand where it is. There is nothing to apologize for. Madam Speaker, what has to take place will take place.

It was interesting when we got to the offences section, the way my friend approached it, and in particular the two areas that he drew specific reference to, the areas of brothels—and I was wondering why out of 46 offences he focused on the area of brothels. I see the Member for Naparima trying to make a comment there. Is it because a certain financier has a whole set of brothels, some of which are in the Naparima constituency? I suppose that is maybe that is what it is.

**Hon. Members:** “How you know dat?”

**Mr. Young:** And then the other area as well, Madam Speaker—“Mamoo? Mamoo? You see me there”. [*Crosstalk and laughter*] Who is now residing in Panama? The other area is under prevention of corruption, but again he did not delve too far into there. [*Crosstalk*] I am sure you will get a discount because you will not spend very long. [*Laughter*]

**Madam Speaker:** Members, while I appreciate, and I like when there is camaraderie and so on, but let us just remember where we are, and let us just now resume the decorum required in here.

**Mr. Young:** Thank you very much, Madam Speaker. With those few words in reply, I will like to say that we on this side commend the amendments suggested by the Senate. We support the amendments, and we hope that in the next few moments the Bill with those amendments would be able to stand as the law of Trinidad and Tobago.

With those few words, I beg to move.

*Question put and agreed to.*

**Madam Speaker:** I now call on the Acting Attorney General, Motion No. 1.

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

**Senate Amendments**

**The Acting Attorney General, Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young) (Port of Spain North/St. Ann’s West):** Thank you very much, Madam Speaker. I beg to move the following Motion standing in my name:

*Be it resolved* that the Senate amendments to the Miscellaneous Provisions (Mutual Assistance in Criminal Matters, Proceeds of Crime, Financial Intelligence Unit of Trinidad and Tobago, Customs and Exchange Control) Bill, 2017 listed in Appendix I be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 4.*

*Senate amendment read as follows:*

- A. In sub-clause (1) paragraph (e), by inserting after the words “any information” in sub-paragraph (2A), the following words:  
“and advise the person that they have a right against self-incrimination as guaranteed under section 5(1)(d) of the Constitution.”
- B. (i) In sub-clause (2), insert a new paragraph (b) as follows:  
“(b) in regulation 19(3) by inserting after the word “requested” the words “or provided of his own motion”.
- (ii) Re-number the paragraphs accordingly.

**Mr. Young:** Thank you very much. Madam Speaker, you would recall that this Bill passed through the House sometime in November 2017. It was completed on January 12, 2018, with no amendments. The Senate debate then commenced on February 20, 2018 and was completed on 13<sup>th</sup> of March with two amendments which we just heard read to us.

We on this side fully adopt and support the amendments that have come from the Senate, from the other place. This legislation is very important for our international commitments. In particular, in the area of anti-money laundering, anti-terrorism financing and these areas. A lot has been said with respect to this Government’s commitment to ensure that we are compliant internationally. As you would recall, that has arisen on a number of occasions here with previous legislation. As a Government, since we have come into office and this administration being the Government, we have worked very hard in ensuring that our FATF and CFATF commitments have been made. There was a lot of criticism of us as a country before. We have made many, many strides in this right direction, partially thanks to the support of those on the other side and those in this House, in ensuring that we do not lose our correspondent banking and that we do not get downgraded internationally with respect to our banking facilities.

Madam Speaker, I do not propose to be very long at all with respect to this debate on these two clauses that are limited really to amendments being made to the Financial Intelligence Unit of Trinidad and Tobago Act. The first amendment appears to be the insertion of specific expressed statutory language of a constitutional protection that we all, thankfully, have entrenched in the Constitution, which is the right against self-incrimination. So it seems that those

in the other House saw it fit to add the words, “and advise the person that they have a right against self-incrimination as guaranteed under section (1)(d) of the Constitution”.

I think personally it is debatable as to whether this is necessary. One is cautioned, but also this is a section where the FIU is now being given, I guess it could be argued, wide powers that the FIU may require any person to provide to it any documents, information or explanation on any information, and now in those circumstances that the FIU will advise that person they have a right against self-incrimination. So one can see immediately the benefit of that amendment. It is something with which we agree.

The other amendment being suggested is to the same Financial Intelligence Unit Act at section 19(3), and it is to add the words “or provided of his own motion”. So it now reads at section 19 sub (3):

“Where the Director determines under sub regulation (2) that the sharing of intelligence and information that is being requested or provided of his own motion...”

This is the dissemination of information provision in the Act, that is giving now the FIU Director the power “on his own motion” to request or disseminate financial intelligence. This is a particularly important power for the FIU to fulfil its international obligations, and also in its work along with law enforcement agencies like the TTPS and others of that nature to provide information of their own volition. These are two amendments with which we agree. I do not want to detain the House longer than absolutely necessary, apart to say that we ask that these amendments be agreed to here today, so that this Bill could be put into law, so that we may fulfil our international obligations.

There has been a lot recently with respect to the FIU’s provision of information in the public domain, and in particular the number of charges for money laundering and the type of suspicious activity reports and the increase in the suspicious activity reports, et cetera. I do not think it is necessary to get into that.

Madam Speaker, I thank you for the opportunity, and I will just like to say on this side these are two amendments with which we agree and that we ask the rest of the House to agree, and I beg to move. Thank you.

*Question proposed.*



**Mr. Lee (Pointe-a-Pierre):** Thank you, Madam Speaker. I do not propose to be very, very long; I will be very short. I would like to firstly say we are in agreement with these two amendments, they came from the other House, the other place. But I would like to state for the record when we debated this Bill in this House in January, clause 4, A with the amendments that came from the Senate, was something that each one of our speakers spoke vociferously about, in trying to tighten that clause. It is heartening to know that in the Senate, it was proposed by the Opposition side and the Attorney General agreed to it. It is really another example of the Opposition standing up for the rights of the citizens, [*Desk thumping*] by recognizing what the courts have said for decades that having rights without knowing of those rights will render the rights nugatory. So we proposed that the persons be informed of these rights.

This was something that we fought for when we debated this Bill in the Lower House. When we went to the committee stage we asked again through the Attorney General to make that adjustment. It was denied, and we said when we reach in the Senate our Opposition Members would deal with it. I was heartened to know that the Attorney General took that into consideration. I want to thank the Attorney General for doing that. It really gives the citizens some rights, and it protects the prosecution in any matters that might come before based on this piece of legislation.

So, Madam Speaker, I am heartened on the Opposition side to support these amendments, and with two these few words, I thank you.

**Mr. Young:** Thank you very much, Member for Pointe-a-Pierre, for keeping the contribution short and precise.

Madam Speaker, as I said in my opening it is debatable from a legal perspective as to whether this really is necessary, because it is an entrenched provision in the Constitution. It is an entrenched right; it is a fundamental right. Every citizen of Trinidad and Tobago is protected, and as you can see from the amendment it points you exactly to the area of the Constitution, a specific provision, section 5(1)(d) of the Constitution, which is, every citizen has a right against self-incrimination. So I am not sure that it is necessary. It is in now. We are glad that we can move forward with the legislation, if that is what has found favour with those on the other side.

With those few words, I am happy to hear that once again the Opposition is supporting the legislation. With those few words, I beg to move.

*Question put and agreed to.*

**CRIMINAL DIVISION AND DISTRICT CRIMINAL  
AND TRAFFIC COURTS BILL, 2018**

[Second Day]

*Order read for resuming adjourned debate on question [April 13, 2018]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam Speaker:** Member for St. Joseph, you have 15 minutes of extended speaking time left.

**Hon. T. Deyalsingh** (*St Joseph*): Madam Speaker, in the spirit with which we have been conducting ourselves this afternoon, although I have 15 minutes, there is 12 minutes to tea, and I will take 12 minutes and end my contribution.

The Attorney General should be heartily congratulated for bringing this piece of legislation to the Parliament. Every piece of legislation he has brought today seems intent on improving the criminal justice system.

This country has the experience of one preliminary enquiry taking 17 years. We have 29,900 PI arrears. We have 3,000 persons incarcerated. We have 94,000 cases before the Magistracy and we have about 50,000 traffic offences. What this Bill seeks to do in my wrap up now on my contribution, is to provide capacity both at judicial and otherwise.

When I ended my contribution on April 13<sup>th</sup>—that is how long ago we were treating with this—I was coming to the end of the Bill dealing with the particular units, and today with just about 10 minutes remaining, I will just expand on what these units are meant to do, to give the public some comfort that the Attorney General has your best interest at heart.

So, one of the units is a Human Resource Management Unit, and that goes without saying. We always hear about we do not have the human resource capacity to deal with issues, so the Human Resource Management Unit will deal squarely with that. You are going to have a Finance and Accounts Unit. This is going to assist with appropriate decentralization and to address the financial work of the division or divisions.

The Fines and Fees Unit—this will help monitor compliance with financial orders, very, very important, because very often the courts may make financial orders which may be ignored. So this will ensure compliance with financial orders therefore making sure that the system has some equity, and give some comfort on those dependent upon these financial orders.

There will also be a Records Management Unit. What will this be? Let me expand on that, because the Bill does not really expand on it. This is a criminal court records management, which is critical to what the courts actually do. The court is trying to move away from case sheets to files, and this requires a different approach to records. Traffic records, as I said earlier, we have 50,000 traffic offences, so traffic records will be addressed differently under this piece of legislation as well.

You also have a Court Reporting Unit, which is self-explanatory; a Statistical and Valuation Unit—which is a unit that could now assist with actual live decision making, therefore speeding up justice. And we know the old saying, “justice delayed is justice denied”. So the Statistical and Evaluation Unit will assist with live decision making and speeding up of matters before the courts.

I spoke about the Drug Treatment Court the last time, so this will now be the roll-out of drug courts anticipated at five drug court locations across Trinidad and Tobago.

There will also be a Criminal Court Information Communications Technology Unit, very important. This information technology will include CCMS, audio digital and video digital recording, video conferencing and other solutions. This will modernize and, again, quicken the pace of the criminal justice system once and for all.

Madam Speaker, another unit anticipated is the Witness Support Unit. The witness support is including alternative means and interpretation services, and organizing and handling of vulnerable witnesses. We know very often we have witnesses who are vulnerable, so we need to support them. A Bail Management Unit—management and monitoring of bail and sureties, very, very important.

One of the other units and the final unit is a Court Office Unit. This will act as a court registry. It is where matters are filed and court case operations are addressed.

So, Madam Speaker, all these different units, as I have said, will assist in the operationalization of this piece of legislation. As I promised, I will keep my contribution short in the manner in which we have been conducting ourselves this afternoon.

I thank you very much for the opportunity, Madam Speaker.

**Madam Speaker:** Hon. Members, it is now almost 4.24. I think it is a convenient time that we take tea. We shall take the suspension now and we shall resume at 5.00 p.m.

**4.24 p.m.:** *Sitting suspended.*

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

**Madam Speaker:** Member for Caroni Central or Member for Oropouche West. [*Desk thumping*]

**Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West):** Thank you, Madam Speaker, for this opportunity to contribute to this Bill:

“An Act to make jurisdiction for criminal matters exercisable in a division of the High Court to be known as ‘the Criminal Division’ and to make jurisdiction for criminal and traffic matters exercisable in a division of Summary Courts to be known as ‘the District Criminal and Traffic Courts’ and to make provision for matters connected therewith”

Madam Speaker, the Member for St. Joseph ended up with clause 18, and the hon. Member listed out a series, a whole plethora of units that the criminal and traffic court administration department should comprise. He listed a human resource management unit, a finance and accounts unit, fines and fees unit, and the list went on. And when I listened to the hon. Member, this list reminded me of an à la carte menu. You enter a Michelin star restaurant, Madam Speaker, and you have a dapper waiter come in with sartorial elegance and hand you this menu—

**Dr. Gopeesingh:** In French.

**Mrs. V. Gayadeen-Gopeesingh:**—and you are looking at this menu and you are looking at the cost, you are in a Michelin star restaurant, you realize that you cannot really buy anything here.

**Hon. Member:** “Champagne taste and mauby budget, boy.”

**Mrs. V. Gayadeen-Gopeesingh:** And, Madam Speaker, this thing will cost money. If you have to establish all these units which I believe, some of these are already existing at the criminal jurisdiction, are we going to duplicate and have parallel bodies? We are not sure what is happening with this.

And I premise my contribution by talking about all these various units, and how are you going to have all these various units, when the Judiciary’s finances for the fiscal year 2017 to 2018 at pages 13 to 17, the *Estimates for Recurrent Expenditure*, there was a decrease of over \$17 million? And when we look through, you are seeing that there was a decrease as close to \$6 million for accommodation, for Rental of Offices, for storage. When you look at contract

employment, there was a decrease of over \$5 million, and when you look at training you had an increase of \$50,000. So who are these persons to be trained to fill these various units with \$50,000? [*Desk thumping*] When you look at Repairs and Maintenance for the buildings, a decrease of \$3 million; Office Equipment a small, minute increase.

Madam Speaker, this is what I am going to ask the hon. Member: you are planning to do all these things, and I am asking simply, in which “janam”, in which time period is this thing going to be achieved? [*Desk thumping*] In which time period, Madam Speaker?

Madam Speaker, I would also like to continue with the Member for St. Joseph and his contribution. [*Crosstalk*] On 13/4/2018, the Member for St. Joseph said:

“...it was not my intention to join the debate here today...”

And the hon. Member went on to say:

“...I have institutional memory...”

And I counted six times he said he had “institutional memory”. And the contribution that he made, he tried to rebut the Member for Oropouche East. And I will advise my friend that if you have no intention to join a debate, be seated, [*Desk thumping*] be seated, because the hon. Member tried so hard to bring down the Member for Oropouche East, but the contribution, his pronouncements, his advancements, I must say were insanely misleading. [*Desk thumping*]

**Madam Speaker:** Please, let us be parliamentary. Okay? Please, let us be parliamentary, and just withdraw that. You can say it another way.

**Mrs. V. Gayadeen-Gopeesingh:** His contribution was just misconstrued, it was misconstrued. Madam Speaker, I will continue. The hon. Member said that the Member for Oropouche East went on at length, ad nauseam, about the role of the Chief Justice and who is going to appoint these Masters.

The issue at clause 7 had nothing to do with appointment of Masters. It has to do with the assignment of Puisne Judges and Masters. It had nothing to do with the appointment, but assignment, and we must not confuse what is appointment and what is assignment.

Madam Speaker, a Master, like if I were to read clause 7 of the Bill. Clause 7 says:

“The Chief Justice may assign to the Criminal Court such Puisne Judges and Masters as he thinks fit.”

And, Madam Speaker, the other part, part (2) said:

“A Puisne Judge or Master assigned to the Criminal Court under subsection (1) may apply to the Chief Justice for reassignment to any court within the High Court.”

Madam Speaker, when a Chief Justice has to assign Puisne Judges and Masters, would there be any oversight in the assignment?—because we already know that there are certain issues with the selection of judges because of the Judicial and Legal Service Commission we have certain issues raised by judges, and that is well enshrined in the Constitution, but would there be an oversight with the assignment of Puisne Judges and Masters? Because another clause here says that a Master may also have the function of a criminal court judge. If you were to turn to 10(2), Madam Speaker, you would see that:

“...a Criminal Court Master shall have the same effect as if it had been made by a Criminal Court Judge.”

And, Madam Speaker, a Master is much lower, in layman’s terms, than a judge. A Master can sit as a Judge in Chambers, but a Master is also restricted by statute. A judge has original jurisdiction. A Master cannot imprison a person. A Master cannot grant interlocutory injunctions. So, how is it then that a Master can have the equal function as a—*[Desk thumping]*

**Mr. Ramadhar:** Misconceived.

**Mrs. V. Gayadeen-Gopeesingh:** And, Madam Speaker, this may lead also to judicial appeals if a Master were to pass certain decisions—you will have perhaps a floodgate of appeals with respect to these.

Madam Speaker, even right now at the Assizes at San Fernando, you have a Master who is listening and taking jury exemptions—a Master. And what happens, because the Master does not have the type of experience at the Criminal Assizes, what you have is that you have objections from both state counsel, and you have objections from the defence counsel. So what happens in totality is that you may have 10 and 12 exemptions to be heard before a Master. And because there are so many objections, all the cases now are lumped before the judge. So what you are actually doing—you are duplicating work and you are clogging up good judicial time. *[Desk thumping]* So those cases should have initially been placed before a judge and not a Master.

Madam Speaker, the hon. Member, again, for St. Joseph, page 3 of his *Hansard* said, I do not know why the UNC:

“...are so afraid of legislation about follow the money. Why? Why are they so afraid...?”

And I am saying to the hon. Member, we are not afraid here, “bring it on” because we want legislation to “follow the money” because we need to “follow the money” for the \$100 million at A&V Drilling. [*Desk thumping*] We need to follow that money. We need to “follow the money” with the World GTL, that is what we need to do, the billions of dollars, [*Desk thumping*] so that is why we need legislation like that.

Madam Speaker, the hon. Member also spoke about clause 14. Clause 14 says:

“A District Criminal and Traffic Court may conduct hearings by telephone, video conference or any other appropriate electronic means.”

That is clause 14. Madam Speaker,—and went on to say the Member for Oropouche East with his usual comedic styling, wanted to make a joke out this. Madam Speaker, this is really a comedy, this is really a comedy. Can anyone do cross-examination or lead evidence over a phone? Which matter can be done if you have to lead evidence? A state counsel could lead evidence over a phone? Can you do cross-examination over a phone?

**Mr. Ramadhar:** That is phoney evidence?

**Mrs. V. Gayadeen-Gopeesingh:** How in the first place do you know that the accused on the other side is the said accused, over a telephone? [*Desk thumping*]

**Dr. Gopeesingh:** As Prakash say, phoney evidence. [*Laughter*]

**Mrs. V. Gayadeen-Gopeesingh:** Madam Speaker, also if you are doing—trying to talk over a phone to get information, those recordings—you can be incriminated because if they are recorded, perhaps you can be saying things you are not sure—if under duress, but you are saying things that can be recorded and you could be incriminated.

So, Madam Speaker, the other part he said, the hon. Member, he spoke about video conferencing. Yes, video conferencing can assist because you save time in travelling to and fro to the courts, but in video conferencing there are also the inherent problems in video conferencing, even in the civil arena. If you are doing video conferencing from the judge sitting in Tobago or you are in San Fernando, sometimes you hear the audio, and when you hear audio you are not seeing the video, and when you hear video you are not seeing the audio, and those are problems that you can encounter.

Also, Madam Speaker, at video conferencing if an accused wants to change his plea, he cannot do it via video conferencing because you do not have that

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confidentiality between a client and an attorney. What you may have via video conferencing may be pieces of disclosure, you may have that via video conferencing, but to materially have an impact on the trial or to deal with the matter effectively, you cannot really do it via video conferencing.

Madam Speaker, the other clause that I will like to deal with is clause 7. I would just like to revert to clause 7 when we looked at the assignment, and I would like to read an article for the assignment from the Delhi Court.

“Judges on India’s Supreme Court accuse the Chief Justice of bias”

This is when you have to deal with assignment of Judges. It is from *The Economist*, January 18, 2018, where the Chief Justice in India in the Delhi court was accused of partiality.

**Madam Speaker:** Hon. Member, in terms of the relevance, and I also want to caution you, if you are going to try to carry that anywhere with respect to Standing Order 48(8). Okay? So I suggest that you leave that and continue.

**Mrs. V. Gayadeen-Gopeesingh:** Sure. The other clause, Madam Speaker, which is really at the preliminary which is at Part I, deals with children court and children matters. “Children Court” means, and I am reading what it says here:

“‘Children Court’ established under section 4(1) of the Family and Children Division Act.”

And what, Madam Speaker, is that how these matters from the High Court and the Magistrates’ Court, how do these matters deal with children at transition into the Family Court that deals with children, because you may have matters that are part heard, you may have matters that are in case management, [*Crosstalk*] and you may have some matters that are pre-trial. How are you getting these matters to lump them—

**Madam Speaker:** Members, the murmur is growing and I am getting difficulty in following the contribution. So I would like you all to, please, contain your crosstalk so that I can follow the contribution from the Member for Oropouche West. Continue.

**Mrs. V. Gayadeen-Gopeesingh:** Thank you, Madam Speaker. Also, the Children Court, how are persons from Matelot, persons from Biche, Flanagin Town, how are these persons being transported to the Family Court at Fyzabad? Is there some mechanism in place? So these are things we have to iron out as to how they are going to do it.



Also, Madam Speaker, when I look at the *Hansard* of the hon. Attorney General, the hon. Attorney General may have the actus reus, he may have the mens rea to really fix the criminal justice system, but if the various institutions work in tandem to make this thing effective—there are broken chains and gaps—this Bill will really be inconsequential.

**Mr. Imbert:** Point of order, Madam Speaker. Relevance 48(1), this has nothing to do with the Family Court. [*Crosstalk*] This is about the Criminal Division of the High Court, not the Family Court. [*Crosstalk*]

**Madam Speaker:** Okay. So hon. Member for Oropouche West, you can continue. I believe you have left the Children Court and you are now onto how—[*Laughter and crosstalk*] I really appreciate when we really are, you know, have a great sort of discourse between us, but really and truly, let us get on with the business and abide by the Standing Orders, respect, tolerance, parliamentary behaviour—I expect that of all Members here. Member for Oropouche West.

**Mrs. V. Gayadeen-Gopeesingh:** Thank you, Madam Speaker. [*Desk thumping*] Yes, Madam Speaker, let me continue. The hon. Member which is the Attorney General, whilst he was contributing, the Member for Siparia stood up and asked—I am reading from the *Hansard* at page 13, so I do not know why my friend brought up something with relevance because this is page 13, what the Attorney General had said, and I am quoting from what he said. The Member for Siparia asked: I can say you are saying you are putting 17 persons because you have 17 courts.

“...how...do you envisage to carry this through?”

And the hon. Attorney General said, these are his words:

“We are recasting what we have already, we are just cleaning the structures and reporting environment.”

Madam Speaker, I tried to figure out, you know when you are doing psychology, they say that more than 65 per cent of your conversation is done by body language. They also said that you must read what is stated to see if you can—because words can carry different meanings. No matter how much I try to discern and decipher what was said here, Madam Speaker, I could not understand [*Desk thumping*] what the hon. Attorney General was saying. And if we were to take the first line that he said:

“We are recasting what we have already,...”

What we are recasting, we have chaos in the criminal justice system. And I have an article here, the *Newsday* Monday, 30<sup>th</sup> April, Azard Ali, “Chaos reigns in south courthouse”. And I will just read for you two lines:

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“A ‘Junior sec’ system in the High Court to facilitate a CEPEP contract in the magistrates’ court.”

This is what we have—what Azard Ali had to say about a courthouse in south.

Madam Speaker, we have a plethora of problems in the criminal justice system, a plethora of problems. The criminal justice system works like a shift system, that is the reason why the reporter is saying it is like “a junior sec” system, it is shift.

So, I will summarize what happens at the Assizes. At the Assizes, matters are heard, criminal matters are heard, but it must be completed by 12 o’clock. So if you have a state counsel leading evidence, you have a sentence in the air, the matter is adjourned. If a defence counsel is doing cross-examination, a question in the air, the court must adjourn because you have to wrap up everything and move because you have a magistrate taking everything—all their documents—and running across to the Assizes in San Fernando, because what you have—you have the second, the fourth, the fifth and sixth courts being accommodated at the Supreme Court. So, we have such chaos in San Fernando, that is why we are saying it is like you are using it to facilitate a CEPEP contract.

We have persons in the Madinah Court, the Magistrates’ Court, and in that court you have a section of the administrative personnel being housed in a jurors room at the Assizes. So when jurors want to take their recess and deliberate, I am not sure where they go.

Then we have a part of the Magistracy being housed at the Marshals section in the High Court. So where do the Marshals go to do the administrative work? And, Madam Speaker, if you take over the weekend where you have charge cases, over the weekend you have people, the accused, being held at the police station across the road from the court.

The list that is generated from the Magistrates’ Court is done randomly, so you do not know which accused the police is going to bring across, because the police is walking across from the holding cell across to the Magistrates’ Court with an accused and you are not sure which accused, so, we have so many problems.

My point is, Madam Speaker, why are we doing all this?—bringing this Bill to cure what?—when we already have a system in place [*Desk thumping*] where we need to fix—we need to fix what we already have. We have to outfit these courts with the necessary tools. We have to give that—provide that infrastructure. We have to give that training to the personnel so that they get that skill set so that

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they can increase the efficiency at which the court works, and that is what is needed. You just cannot all the time lay Bills in Parliament because you want to add to your score card, you cannot do that, [*Desk thumping*] you have to be practical. [*Crosstalk*]

Madam Speaker, when we look at clause 24(1), Madam Speaker, clause 24(1) says:

“The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules of Court—

- (a) establishing a special criminal court procedure for the management of case types and offences referred to in subsection (2); and
- (b) generally for carrying this Act into effect.

(2) The Chief Justice may, by Practice Direction, determine the case types and offences which are appropriate for the special criminal court procedure provided for in Rules of Court made under subsection (1)(a).”

My question, Madam Speaker, is that we already have a bundle which is called the Criminal Procedure Rules, 2016. The Criminal Procedure Rules gives all the guidelines in the management, the case management of cases, the case flow and the case management of cases that come before the court.

Here we have 24(1) is stating, that you are going have their rules committee to make another set of rules of the court. What we doing with this? Are we going to run parallel rules? Are we going run parallel rules? Because this rule, the Criminal Procedure Rules have entire guidelines, it gives you the Practice Direction, it gives you trial management, it gives you the procedure for entering a guilty plea, even—it gives you evidence by admission, you have your whole story here, and yet we have 24(1)—is included so that the rules committee is going to make more rules. To what end? I still have to be guided on that, Madam Speaker. Also:

“The Chief Justice may, by Practice Direction, determine the case types...”

“May”, it is not mandatory; it is discretionary for the Chief Justice to determine the case types and the offences which are appropriate for this special criminal court.

So, Madam Speaker, what I am saying is that this same Criminal Procedure Rules have applications for exemption for jury service, same thing—what we are talking about what Masters are doing, and we have it in section 18 in the Criminal

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Procedure Rules already. So, again, I am asking: Who is going to vet these rules? And if this rules committee will consult with perhaps other stakeholders or the attorneys who practice in the criminal justice system?

So, Madam Speaker, when we look at this Bill before us, we know that the most important—we can all agree that crime really is one of the biggest problems affecting the lives of the people of this country. We know that we no longer feel safe in our own homes, we are afraid for the safety of our loved ones, and we cannot even walk the streets without thinking that perhaps we may be kidnapped.

As we have seen a few days ago a child sexually assaulted, a pastor chopped, mothers and daughters slaughtered. And, Madam Speaker, yes, we need crime Bills. We need Bills to see how we can bring things into proper perspective and bring a certain sanity to the people of Trinidad and Tobago, but we know that we are in a crisis when we have the hon. Prime Minister addressing the Commonwealth leaders and advising them not to do anything that is untoward with respect to the travel advisory.

**Mrs. Robinson-Regis:** Madam Speaker, 48(1), please. What is the relevance of it?

**5.30 p.m.**

**Madam Speaker:** Okay, so Member, I have given you a lot of leeway and I think now you should really concentrate on the Bill. Try and tie what you are saying into this Bill that is before us. Please continue.

**Mrs. V. Gayadeen-Gopeesingh:** So, Madam Speaker, we are in what you call the fourth industrial revolution, and my question is, at the High Court where matters—the judge is listening to a trial, I am asking, if we are in the fourth industrial revolution where we have ICTs and robotics and so, why is it that judges still have to do long handwriting?

**Madam Speaker:** Repetition.

**Hon. Member:** What?

**Madam Speaker:** Member, what provision of the Bill are you relating what you are saying to? Please!

**Mrs. V. Gayadeen-Gopeesingh:** Madam Speaker, I am talking about the problems that we are facing at the Magistrates' Courts, and how we should fix what we have, because judges are still doing longhand writing.

**Madam Speaker:** So, Member, your original 30 minutes are now spent, you are entitled to 15 more minutes. I would say this, this is not a debate about how the criminal justice system works. This is with respect to a Bill which is intended to create a special division. So that what I would like you to focus on, is on the Bill, and maybe what you want to say, maybe you can tie it to the Bill. But it is not a general discourse on how the criminal justice system works, how the Magistracy works or does not work. Please continue.

**Mrs. V. Gayadeen-Gopeesingh:** Thank you, Madam Speaker. The hon. Attorney General had said that there are approximately 100,000 matters before the criminal court, and what we are saying, Madam Speaker, when we pass Bills, yes we want to expedite the matters, and in whatever way these Bills can be used to expedite matters, we on this side would give full support for any Bill that is laid here to help in expedition of the matters.

I thank you. [*Desk thumping*]

**Madam Speaker:** Member for Arouca/Maloney.

**Mrs. Robinson-Regis:** Madam Speaker, I am adjourning the House, if that is why you are calling me, I will.

**Madam Speaker:** Are there any other speakers?

**Hon. Member:** There is an agreement.

**Mrs. Robinson-Regis:** To adjourn the House, yes. [*Laughter*]

#### ADJOURNMENT

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam Speaker, I beg to move that this House do now adjourn to Thursday, the 10<sup>th</sup> day of May. [*Interruption*] The House do now adjourn to Thursday, the 10<sup>th</sup> day of May at 10.00 a.m.

Madam Speaker, I would like to also indicate that on Tuesday we will be here at 1.30 to proceed with the Standing Finance Committee of which my colleagues already have notice.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.33 p.m.*