



REPUBLIC OF TRINIDAD AND TOBAGO

Debates of the House of Representatives

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**OFFICIAL REPORT
(HANSARD)**

THE HONOURABLE ANNISLETTE-GEORGE
SPEAKER

THE HONOURABLE ESMOND FORDE
DEPUTY SPEAKER

Friday 29th June, 2018

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HOUSE OF REPRESENTATIVES*Friday, June 29, 2018*

The House met at 1.30 p.m.

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

Madam Speaker: Hon. Members, Mr. Prakash Ramadhar, MP, Member for St. Augustine has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

PAPERS LAID

1. Administrative Report of the Point Lisas Industrial Port Development Corporation Limited for the year 2014. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]
2. Administrative Report of the Rural Development Company of Trinidad and Tobago Limited for the year ending September 30, 2013. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

JOINT SELECT COMMITTEE REPORTS**(Presentation)****State Enterprises****Evolving TecKnologies and Enterprise Development Company Limited**

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following reports:

Ninth Report of the Joint Select Committee on State Enterprises on an Inquiry into the operations of Evolving TecKnologies and Enterprise Development Company Limited and to determine its effectiveness in fulfilling its mandate to make suitable real estate available to qualified tenants, developers and operators in a commercially viable manner.

Caribbean Airlines Limited

Follow-up Report of the Joint Select Committee on State Enterprises on an Inquiry into the Administration and Operations of Caribbean Airlines Limited.

Cybercrime Bill, 2017

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I have the honour to present:

Second Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017.

Income Tax (Amdt.) Bill, 2018

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I have the honour to present the following reports:

Interim Report of the Joint Select Committee appointed to consider and report on the Income Tax (Amendment) Bill, 2018, the Mutual Administrative Assistance in Tax Matters Bill, 2018 and the Tax Information Exchange Agreements Bill, 2018.

Gambling (Gaming and Betting) Control Bill, 2016

Second Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016.

Police Manpower Audit Committee

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very kindly, Madam Speaker. I have the honour to present:

Fifth Report of the Joint Select Committee on National Security on the Final Report of the Police Manpower Audit Committee.

PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORT**(Presentation)****Union Estate Electricity Generation Company Limited**

Dr. Tim Gopeesingh (Caroni East): Madam Speaker, I have the honour to present:

Thirteenth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the Union Estate Electricity Generation Company Limited for the financial years 2008 to 2015.

URGENT QUESTIONS

**Trinidad and Tobago Association of Private Secondary Schools
(Ministry's Alternative Plans For)**

Dr. Tim Gopeesingh (*Caroni East*): Thank you, Madam Speaker. To the Minister of Education: Given the impending release of Secondary Entrance Assessment (SEA) examination results and the position adopted by the Trinidad and Tobago Association of Private Secondary Schools (TTAPS) to cease accommodating students, could the Minister indicate the Ministry's alternative plans for students who would be displaced?

The Minister of Education (Hon. Anthony Garcia): [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, students who wrote the SEA 2018 examination have been placed in Government-Assisted Secondary Schools and approximately 300 students have been accommodated at three private secondary schools who have agreed to accept students. Madam Speaker, in other words, all students have been placed. Thank you very much. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Madam Speaker, I am a bit baffled. [*Crosstalk*] The hon. Minister has placed, I am asking him, has he placed students already not having the results—

Madam Speaker: Member, is it a question you are going to ask, not a statement?

Dr. Gopeesingh: Yes, that is the question. Have you placed students not having received the 2018 examination results as yet? [*Interruption*] That is what you said. [*Crosstalk*]

Madam Speaker: Member, Member, Member for Caroni East, the question has been answered. You are allowed a supplemental question if you wish.

Dr. Gopeesingh: How many students are affected and how many schools are affected by this?

Madam Speaker: Member for Caroni East, that does not arise from the response that was given. You are allowed another supplemental question.

Dr. Gopeesingh: In view of the alarming statement made by this TTAPS just a while ago denouncing the Minister of Education's proposal—

Mrs. Gayadeen-Gopeesingh: Pronouncement.

Dr. Gopeesingh:—pronouncement, what are you going to do with no support from the TTAPS?

Madam Speaker: Minister of Education. [*Crosstalk*] Minister of Education.

Hon. A. Garcia: Madam Speaker, frankly I do not understand the question that is being asked. I have said it over and over again, there is no problem. All the students have been placed. [*Desk thumping*] And for the Member for Caroni East to continue asking me these questions it seems as though he does not understand or he has a problem with comprehension or perhaps he is slow in understanding. [*Desk thumping*]

Dr. Gopeesingh: One last question.

Madam Speaker: Supplemental.

Dr. Gopeesingh: Are you telling this honourable House and the population, hon. Minister, that before the examination results are announced you have placed the students in certain schools. [*Crosstalk*]

Madam Speaker: Minister of Education. [*Crosstalk*] Order! Order! Order! [*Crosstalk*] Member for Caroni East, I am certain that you want your question answered.

Dr. Gopeesingh: Yes.

Madam Speaker: Minister of Education.

Hon. A. Garcia: Madam Speaker, I am amazed. The Member for Caroni East being a former Minister of Education for five years—

Hon. Member: “Oooh goood.”

Hon. A. Garcia:—does not know that there is a placement exercise before the results are released. I just do not understand. Something is wrong somewhere today, something is wrong. [*Desk thumping*]

Madam Speaker: Order! [*Crosstalk*] Order! Member for Caroni East. [*Crosstalk*] Member for Mayaro.

**Private Testing Stations
(Inspection to Light T-Vehicles)**

Mr. Rushton Paray (Mayaro): Thank you, Madam Speaker.

Hon. Member: “Shhh.” [*Crosstalk*]

Mr. Paray: To the Minister of Works and Transport: With regard to the recent upsurge of vehicles seeking to be inspected [*Crosstalk*] and the ensuing chaos at Licensing Offices—

Madam Speaker: Member for Mayaro, one minute please. Members, I would like to hear the Member for Mayaro. I am having serious difficulty. Member for Mayaro.

Mr. Paray: Thank you very much, Madam Speaker. To the Minister of Works and Transport: With regard to the recent upsurge of vehicles seeking to be inspected and the ensuing chaos at Licensing Offices, could the Minister indicate whether consideration was given to the use of Private Testing Stations to inspect Light T-Vehicles?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. Madam Speaker, at this time the use of private testing stations to inspect light T-vehicles is being looked at. However, no decision has been taken. Thank you.

Madam Speaker: Supplemental, Member for Mayaro.

Mr. Paray: Thank you, Madam Speaker. Minister, any idea of how soon a decision may be taken in order to alleviate the issues currently being faced by vehicle owners?

Sen. The Hon. R. Sinanan: Thank you, Madam Speaker. Madam Speaker, this topic is engaging the legal team and it may require some legislative administration changes and that is what is being looked at, at this point in time.

Madam Speaker: Supplemental, Member for Mayaro.

Mr. Paray: Thank you, Madam Speaker. Minister, is there any infrastructural issues that may affect or stop the private testing stations from inspecting the light T-vehicles?

Sen. The Hon. R. Sinanan: Madam Speaker, we have 70 operational private testing stations at this point in time and a comprehensive overview will have to be

paid to each one of them to ensure that they have the necessary infrastructure to deal with the light T-vehicles.

**“Frustrated Nigerian Detainees”
(Nature and Causes of Riots)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. To the Minister of National Security: Given reports of recent riots by “frustrated Nigerian detainees” alleging violation of human rights, unlawful detention and inhumane conditions, could the Minister inform this House of the nature and causes of the alleged riots and the actions being contemplated to deal with the situation to avoid a recurrence?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam Speaker. Madam Speaker, the nature and the cause of the alleged riots are being investigated. The investigation is ongoing and until such time remedies to treat with the root causes will be dealt with.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Is it correct hon. Minister that on the 5th of January, on a tour of the Immigration Detention Centre you assured the national community that a better and more humane environment would be created for detainees at the IDC, yet last week seven Venezuelans—

Madam Speaker: Member, Member, it is a question so I will allow you to stop before you went on to Venezuelans. Minister of National Security.

Hon. Maj. Gen. E. Dillon: Thank you, Madam Speaker. Madam Speaker, as I mentioned, at that time several measures were put in place to treat with the environment at the IDC. As a matter of fact, the Government of Trinidad and Tobago spent a sum of money, together using the members of the defence force and a contractor, to treat with the environment. We replaced the air conditioning unit, we dealt with the plumbing, the electrical, to make the environment much more suitable for the detainees at that point in time.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Thank you very much, Madam Speaker. Could the Minister then explain why last week seven Venezuelans confronted, detainees, confronted the guards complaining about inhumane conditions. August the 18th, a Cuban, Yoandri Cruz threatened to sue—

Madam Speaker: You have 15 seconds to ask your question.

Mr. Charles: Could the Minister explain why there is a continuous revolt by detainees?

Hon. Maj. Gen. E. Dillon: Madam Speaker, let me remind the Member that he spoke about the Nigerians and that matter is being investigated and on completion of the investigation remedies will be put in place accordingly.

Tuberculosis at Siparia Police Station (Steps taken to Eliminate)

Dr. Lackram Bodoie (Fyzabad): Thank you, Madam Speaker. To the Minister of National Security: In view of recent reports that a police officer attached to the Siparia Police Station has recently contracted tuberculosis, could the Minister indicate what steps are being taken to contain and eliminate any threat to the visiting public?

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, on behalf of the Minister of National Security I will be taking this question. The actions taken to date at the Siparia Police Station are one, a team from the Chief Medical Officer, Public Health Inspectors, PCP II and a surveillance nurse for site visit at the Siparia Police Station has been done. All these started from Monday. Health education and distribution of materials conducted on tuberculosis to staff present; lecture on hygiene; hand washing and PPE; contact tracing conducted, that is, everybody who was in contact with the affected police officer. Listing of all staff members obtained; the police maintenance crew as instructed by the CMOH, the County Medical Officer of Health, has sanitized the facility. We have conducted testing, Mantoux testing; secondary health education sessions are already planned.

Madam Speaker, I just want to refer to the *Newsday* article of today which talks about test results waiting six weeks before the results are available. That is patently incorrect. This test which is the PCR test does not take six weeks, it takes two weeks. So those are the measures which have been taken since Monday and I just want to correct the *Newsday* article of today which speaks about a six week wait for a test result. That is two weeks testing. Thank you very much, Madam Speaker.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Madam Speaker, Ministers. Could you indicate whether any attention has been paid to detained persons or prisoners in terms of testing—

Hon. Member: What!?

Dr. Bodoë:—to detained persons or prisoners at the Siparia Police Station.

Hon. T. Deyalsingh: That is what contact tracing means. I said that already. So contact tracing includes everyone who was in close proximity, everyone. That is what contact tracing is, which is standard protocol. So that has been done. Thank you very much.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Minister. Minister, can you then indicate whether the visiting public to the police station is at any risk or has anything to worry about?

Hon. T. Deyalsingh: As the Member knows as a medical practitioner, tuberculosis is contracted mainly through close prolonged contact. That is, you have to be very close to the person over a prolonged period of time. That is for a normal person with a normal immune system. As you know, a member of the public casually walking into a police station that has already been sanitized as stated, will stand little or no chance of contracting tuberculosis. Let me reiterate, you contract tuberculosis due to prolonged close contact, not occasional contact by walking into a facility that has already been sanitized. I thank you very much, Madam Speaker.

National Gas Company (Plants Identified for Closure)

Mr. David Lee (Pointe-a-Pierre): To the Minister of Energy and Energy Industries: Based on the reported statements of the Chairman of the National Gas Company as it concerns the shortage of natural gas that, “choices would have to be made as to which plants stayed up”, could the Minister state which plants are being identified for closure as well as the timeline in which these plants would be closed?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, let me categorically state to this House that that no plants have been identified in Point Lisas for closure. So therefore, there is no need to indicate any timeline. [Crosstalk]

However, Madam Speaker, the single biggest issue that this Government faced on getting into office is the gas curtailment issue. And we as an administration has worked diligently and assiduously to bring this matter under control led by the hon. Prime Minister. [*Desk thumping*] In 2017, national production was 3.3 bcf per day. In 2018 the estimated average would be 3.8 bcf per day, [*Crosstalk*] a whopping 500 million cubic feet more per day; 2019, 4.0 bcf and 2020, 4.1 bcf.

Based on these figures, I see, as the Minister of Energy and Energy Industries, no serious threat for any closure of any plant in Point Lisas. The NGC has recently concluded an agreement with CNC. We are very close to an agreement with Nutrient. We have concluded agreements with PLNL and while there are still some challenges ahead, things have stabilized at Point Lisas. [*Desk thumping*]

And just to set the record straight I spoke to the Chairman of the NGC a while ago and he indicated that it is just a clip that was taken out of context. The point he was making is that in the international arena the trend is larger, more efficient plants are replacing the smaller inefficient plants, and that was in the context in which it was made. Trinidad has a suite of plants, some of which are older and inefficient, some of which are large and very efficient and we are encouraging the Point Lisas companies with the inefficient plants to invest in energy efficient technology. Thank you very much, Madam Speaker. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Chaguanas West.

Mr. Singh: Thank you, Madam Speaker. Would the hon. Minister state as to the fact that the Chairman of NGC made this statement, given the fact that you have multinational/transnational corporations operating in Point Lisas that it is an inappropriate statement for him to make whatever the context. [*Desk thumping*]

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

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker. Madam Speaker, there are three questions for oral answer. We will be answering all three. There are no questions for written answer.

ORAL ANSWERS TO QUESTIONS

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

Could the Minister provide the number of vacant positions on the permanent establishment for House Officers in each Regional Health Authority?

The Minister of Health (Hon. Terrence Deyalsingh): Yes, again, thank you very much, Madam Speaker. The number of vacant positions at the permanent establishment for House Officers in each Regional Health Authority is as follows:

North West Regional Health Authority, 27;

North Central Regional Health Authority, zero;

South West Regional Health Authority, zero;

Eastern Regional Health Authority, two;

Tobago Regional Health Authority, zero.

Thank you very much, Madam Speaker.

Tabaquite Packing House**(Completion of)**

280. Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister indicate when the Tabaquite Packing House will be completed and accessible to farmers?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam Speaker. Madam Speaker, the completion and operationalization of the Tabaquite Packing House is subject to an RFP to be issued by UDeCOTT within the next few months. Proponents must submit proposals for the modified design, build, equip, finance, operation of the Packing House and the successful proponent must have the ability to provide the full range of operations for the Packing House. Interested farmers, farmers groups, members of the public are welcome to submit proposals when the RFP is issued. I thank you.

Cabo Star and the Galleons Passage Accommodation
(Estimated Timeframe for Completion)

281. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Works and Transport:

Could the Minister state the estimated timeframe for the completion of port works to accommodate the *Cabo Star* and the *Galleons Passage*?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. Madam Speaker, there is no immediate infrastructure work taking place to accommodate the *Cabo Star* as the vessel is actively servicing the route through Berth III in Port-of-Spain and the cargo berth in Tobago. For the long term in order to relocate the operations of the Tobago cargo vessel at the cargo berth at Port-of-Spain, it will be necessary to undergo dredging work. It is estimated that these works will be completed by March 2019.

In terms of the *Galleons Passage* [*Crosstalk*] two additional pile clusters were required to accommodate the berthing of the *Galleons Passage*—

Madam Speaker: Order!

Sen. The Hon. R. Sinanan:—as the existing jetty is designed for larger vessels. This work has been completed at this time. Thank you.

Madam Speaker: Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, what is the estimated cost of the dredging?

Sen. The Hon. R. Sinanan: Madam Speaker, the dredging work that is being undertaken at the new jetty is maintenance dredging. And I do not have an actual cost at this point in time because the work, the job has not started on the maintenance dredging.

STATEMENTS BY MINISTERS

World GTL Inc. and Petrotrin
(Gas to Liquids Project)

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, I have been authorized by the Cabinet to make the following statement in this honourable House:

Statements by Ministers
[SEN. THE HON. F. KHAN]

Friday, June 29, 2018

In 2005 the availability of gas fueled the interest by prospective investors in the establishment of gas-based industries in Trinidad and Tobago. One such project was a Gas to Liquids Project which was a joint venture between World GTL Inc. and Petrotrin.

The GTL project was intended to produce for offtake by Petrotrin, high quality diesel which would be blended with Petrotrin's refinery diesel to improve its quality. Given the environmental concerns, standards for fuels have been upgraded and Petrotrin ran the risk of not being able to supply markets that adopted the higher standards. This was an intermediate arrangement pending the construction of Petrotrin's Ultra Low Sulphur Diesel Project.

On September 22, 2005, Petrotrin entered into a project agreement with WGTL to construct and operate a gas-to-liquid plant on Petrotrin's refinery compound at Pointe-a-Pierre. The project economics was based on a plant size of 2,250 barrels per day, a gas requirement of 18.4 million standard cubic feet per day to be supplied either by Petrotrin or NGC and a gas price of US \$1.50 per thousand standard cubic feet escalating at 3 per cent.

In January 2006 Petrotrin and World GTL entered into shareholders agreement in which WGTL held 51 per cent of the equity and Petrotrin 49 per cent in World GTL Trinidad Limited. In early 2007, the budget and funding for the project was finalized. The project budget of US \$165 million was funded by a loan of US \$125 million from Credit Suisse preference shares in the sum of US \$30 million from local investors and equity in the sum of US \$10 million from Petrotrin. [Crosstalk] The loan agreement with Credit Suisse stipulated that by July 12, 2009, called the "Date Certain", the project had to be sufficiently completed to produce diesel. In the event that the required amount of diesel was not produced by that date, the loan became immediately due and payable. [Crosstalk]

Madam Speaker, The project as is known nationally was plagued by delays and cost overruns and by 2009 the project cost had ballooned to more than twice the initial budgeted cost. Pursuant to the financing agreement, budget increases were to be funded by the shareholders. However, WGTL Inc. was unable to fund its portion and therefore Petrotrin had to fund in its entirety the cost overruns. [Crosstalk] Delays in the project meant that production milestones would not be achieved and would constitute a default event under the loan agreement. In order to avoid the event of a default, Petrotrin purchased the Credit Suisse Loan.

On September 25, 2009, Petrotrin placed the joint venture company, WGTL, Trinidad Limited in receivership. By that date the budget had increased from US

\$165 million to an excess of US \$399 million. The appointment of the Receiver resulted in the termination of the joint venture and the commencement of arbitration proceedings by WGTL Inc. against Petrotrin for breach of fiduciary duty. [*Crosstalk*] The Arbitration Tribunal ruled against WGTL and ordered the company to pay costs to Petrotrin.

Madam Speaker: Minister, one minute, please. Members for Oropouche East and Caroni East, while I would entertain you when you wish to speak, it would be at the proper time. I am being disturbed. Minister of Energy and Energy Industries.

2.00 p.m.

Sen. The Hon. F. Khan: Thank you, Madam Speaker.

With the termination of the joint venture, Petrotrin moved to complete the project. By the end of 2010, Petrotrin ceased funding for the completion of the project. Accordingly, Madam Speaker, the Receiver shifted the focus to the acquisition of an investor to complete the plant. Following an open process, the Receiver identified NiQuan as the prospective investor.

By letter dated 16 April, 2012, to the Receiver, NiQuan Energy LLC submitted a proposal in response to the RFP; and by letter dated 06 July, 2012, the Receiver notified NiQuan Energy LLC that it had been selected as a prospective investor. In October 2014, the Petrotrin board approved the Receiver's recommendation of NiQuan as the preferred investor.

The Receiver then entered into negotiations with NiQuan on commercial terms for the acquisition of the plant. Arising from the negotiations, a price of US \$35 million comprising an initial payment of US \$10 million and preference shares to the value of \$25 million payable in two equal tranches was proposed. NiQuan reached final agreement on the commercial terms and all other outstanding issues on or about the 5th of August, 2015. The proposal was accepted by the board of directors and the transaction was subsequently sanctioned by the Minister of Finance.

Mr. Gopeesingh: What date is that?

Sen. The Hon. F. Khan: August 2015.

In 2016, a Sales and Purchase Agreement (SPA) was executed among WGTL Trinidad Limited (In Receivership), the Receiver and NiQuan. The closure of the SPA is subject to the fulfilling of conditions precedent which include the securing

Statements by Ministers
[SEN. THE HON. F. KHAN]

Friday, June 29, 2018

of a Gas Sales Contract for a guaranteed supply of natural gas for the period of the Product Offtake Agreement with Petrotrin.

All of the Agreements and Conditions Precedent save the Gas Supply Contract had been satisfactorily settled. A Gas Supply Term Sheet was executed between NiQuan and NGC in November 2014 for 26.5 MMSCF per day. However, NGC and NiQuan were unable to agree on price and duration. NGC supported the project but, given gas curtailment claims of \$4.6 billion against it, was of view that a gas supply to NiQuan would expose it to unacceptable legal and commercial risks.

Given the NGC situation, the project was now at a standstill. The options available were either to proceed or to discontinue with the project. If the latter option was pursued, the plant would have had to be dismantled at a cost and sold as scrap. If the project is pursued, financial benefits would accrue both to Petrotrin and the economy. In order to salvage the project, NiQuan approached the Government for support in acquiring a supply of gas of approximately 31 MMSCF per day.

A review of the project suggested that it was worthy of Government's support. The financial benefits include US \$35 million payment to Petrotrin, a capital injection of US \$125 million into the economy and TT \$2 billion in taxes and statutory payments over the life of the project. During the construction phase which is projected at 12 months, 700 new jobs will be provided and, on completion, there will be 65 skilled permanent jobs and 650 indirect supply chain jobs.

Given the delay in the completion of the Petrotrin's Ultra Low Diesel Project, the offtake from the GTL plant will allow Petrotrin to meet, in the interim, environmental standards for gas oil. As at October 2013, Petrotrin has been unable to supply the gas oil requirements of member Caricom states as the marketers have moved to low sulphur gas oil. With effect from January 01, 2020, Petrotrin will be unable to supply bunker fuel to ships unless it meets the new global limit of 0.5 per cent sulphur mandated by the International Maritime Organization.

Following a review of the project, the Government agreed to support the request by NiQuan Energy Limited for a supply of 31 MMSCF per day of natural gas for its Gas to Liquids Project, and that consideration be given to the sourcing of the natural gas from arrangements that exclude the NGC and which are on commercially acceptable terms. The Ministry of Energy and Energy Industries

has negotiated and agreed with NiQuan, the terms of the Gas Sales Contract. Cabinet approved the Gas Sales Contract which has been executed on behalf of the Government by the newly incorporated state-owned energy company, Trinidad and Tobago Upstream Downstream Energy Operations Company Limited. It is the intention that selected energy assets of the State will be held by this company.

Madam Speaker, the NiQuan project provides Petrotrin with the opportunity to salvage some not insignificant benefits from an investment which otherwise could not be operationalized. In a wider context the economy and the State stand to benefit from increased commercial activity and taxes. NiQuan requires a maximum of 31 MMSCF per day of gas which is not substantial and in the current context of 3.8 BCF per day amounts to a mere 0.8 per cent of daily gas supply.

Madam Speaker, given projections for gas supply, this requirement can be met and thus, finally—and let me repeat that—and thus finally, this project can now proceed to completion under this administration. [*Desk thumping*]

Madam Speaker: Member for Chaguanas West.

Mr. Singh: Standing Order 24(4), elucidation. Could the Minister indicate whether or not, given the fact that this is a brand-new gas agreement—NGC is not associated—would you lay that gas agreement in this Parliament in the context of transparency? [*Desk thumping*]

Sen. The Hon. F. Khan: As is well known on both sides of this House, gas sales agreements are subject to a confidentiality clause, so, obviously, it cannot be laid in Parliament.

Hon. Member: Ask them if they ever lay one in Parliament. [*Crosstalk*]

Madam Speaker: Order! Order! Please, Member for Port of Spain North/St. Ann's West—and I welcome all assistance, but I wish it will be in cooperation with the Standing Orders. Thank you very much. Minister of Finance. [*Desk thumping*]

Purchase of *Galleons Passage* (Laying of Related Documents)

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. Madam Speaker, over the last several months the Opposition has made a number of accusations and allegations regarding the purchase of the *Galleons Passage* RoPax, or roll-on roll-off passenger vessel. The allegations include that:

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- A broker by the name of James Aitkenhead, from International Broking Services, was used to acquire the vessel for an undisclosed fee. [*Crosstalk*]

Madam Speaker, really. They are being ridiculous.

Madam Speaker: Members, and particularly the Members for Oropouche East and Caroni East, I am warning you in anticipation—and the Member for Couva South—I do not know if you all do not recognize that your mikes may be sometimes on, so that your comments reach me. All right? So let us take heed and let us avoid my having to stand up to address the three of you all again, hon. Members.

Hon. C. Imbert: Thank you, Madam Speaker. [*Interruption*] “He cyar help it, eh.”

The allegations include that:

- A broker by the name of James Aitkenhead from International Broking Services was used to acquire the vessel for an undisclosed fee.
- The valuation used by the Government to make the decision to purchase the vessel was done by a company owned by the seller of the vessel and was thus not credible.
- The vessel was purchased from Sea Transport Solutions and the payment for the vessel was sent to the bank accounts of private individuals.
- The vessel is an old vessel that has been sailing all over the South China Sea since 2016.
- The original purchase price for the vessel was US \$15 million and it is now only worth \$6 million.

Madam Speaker, all of these allegations are false. The true facts are as follows:

- Contrary to the false allegations made, initial enquiries were sent to a number of international ship brokers, ship managers, ship owners and ship builders. During this process, the owner of the vessel, Sealease Limited, became aware of the Government’s worldwide search and contacted the Government directly and informed the Government that a newly constructed vessel that broadly met the requirements for the inter-island ferry service was in its final stages of completion and was available for purchase. The vessel was thus purchased directly from the seller and no

broker was involved in the sale and purchase transaction and, as such, no broker fees were paid to anyone.

- The sale and purchase agreement between Sealease Limited and the National Infrastructure Development Company Limited, the bill of sale and the registration certificate for the vessel, in the name of NIDCO, are being circulated in this House today, to put an end to all of this old talk. Contrary to the allegations of the Opposition, these documents make it clear who the parties to the transaction are, who was paid for the vessel and who owns the vessel. It should be noted there is no reference to any broker in the sale and purchase agreement.

And if I digress, we have even included the bank account of the seller so you can go and follow the money if you want.

- As part of the package of documents received by the Government for the vessel, a valuation of US \$19 million was submitted by a company called Oceanic Design & Survey. It was clearly stated in this valuation report that this company is affiliated to Sea Transport Solutions which is the designer of the vessel. As such, the Government engaged a highly reputable ship valuation firm by the name of Schulte Marine Concept who valued the vessel at US \$35 million. The two valuation reports are being circulated in this House today.
- Contrary to the allegations made, the final sea trial for the vessel was done by the seller on the 30th of October, 2017. Sea trials represent the last stage in the completion of a vessel, and it is thus impossible, as falsely alleged, that the vessel was sailing all over the South China Sea since 2016. The Certificate of Registry Synopsis Record from the Vanuatu Sea Registry, dated February 08, 2018, also clearly states that the vessel remained in the shipyard until transferred to current ownership and the vessel name changed. Let me say that again. The Vanuatu registry confirms that the vessel remained in the shipyard until transferred to current ownership and the vessel name changed.

Madam Speaker, to summarize, the following documents are being circulated in this House today:

1. The Memorandum of Agreement (the Norwegian Sale Form) for the sale and purchase of the vessel executed on the 12th of January, 2018, between Sealease Limited of Hong Kong and the National Infrastructure Development Company of Trinidad and Tobago (NIDCO), together with

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the bill of sale and associated documents lodged with the Vanuatu Commissioner of Maritime Affairs.

2. Certificate of Registry from the Republic of Vanuatu for the vessel in the name of NIDCO, and associated documents dated February 08, 2018; valuation report for the vessel done by Oceanic Design & Survey.
3. Valuation report for the vessel done by Schulte Marine Concept over the period 4th to the 6th December, 2017;
4. Design specification for the vessel prepared by Sea Transport Solutions.
5. Pre-purchase condition survey done by Lloyd's Register Classification Society (China) Limited, dated December 10, 2017.
6. Sea trial report for the vessel from Guangdong Bonny Fair Heavy Industry Limited, (the shipyard), for the period 2016 to 2017.

And I hope this now puts all of these false allegations to rest. Thank you, Madam Speaker. [*Desk thumping*]

Hon. Members: Well done.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: Hon. Minister, are you prepared to release the identity of the insurers, companies, both local and foreign?

Madam Speaker: Member, this was raised in accordance with Standing Order 24(4), I believe, and I do not know that this is for the purposes of elucidation based on the statement that was issued.

Dr. Gopeesingh: The elucidation is from the statement that he just made, Madam Speaker. He left it out.

Madam Speaker: Member, I have ruled that this is not for the purposes of elucidation. You can raise under 24(4) based on something he has said for elucidation.

PLANNING AND FACILITATION DEVELOPMENT (AMDT.) BILL, 2018

Bill to amend the Planning and Facilitation Development Act, 2014 and to consequentially amend the Environmental Management Act, Chap. 35:05 [*The Minister of Planning and Development*]; read the first time.

JOINT SELECT COMMITTEES REPORTS

(Extension of)

Cybercrime Bill, 2017

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the Second Interim Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017, I beg to move that the Committee be allowed an extension of 11 weeks in order to complete its work and submit a final report by September 14, 2018. Thank you very kindly.

Question put and agreed to.

Income Tax (Amdt.) Bill, 2018

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Income Tax (Amdt.) Bill, 2018, the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreements Bill, 2018, I beg to move that the Committee be allowed an extension of 11 weeks in order to complete its work and submit a final report by September 14, 2018. Thank you very kindly.

Question put and agreed to.

Gambling (Gaming and Betting) Control Bill, 2016

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, having regard to the Second Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, I beg to move that the Committee be allowed an extension of 11 weeks in order to complete its work and submit a final report by September 14, 2018. Thank you very kindly.

Question put and agreed to.

JOINT SELECT COMMITTEE REPORT

Anti-Terrorism (Amdt.) Bill, 2018

(Adoption)

Order read for resuming adjourned debate on question [June 20, 2018]:

Be it resolved that this House adopt the report of the Joint Select Committee appointed to consider and report on the Anti-Terrorism (Amdt.) Bill 2018.

Question again proposed.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I am a little surprised, but in any event, it gives me great pleasure to draw conclusion to this Motion to adopt the unanimous report of the Joint Select Committee established to consider this very important piece of law. Madam Speaker, you will recall that we last debated this one week-plus ago. It was, at that time, that the Leader of the Opposition and several Members of the Opposition Bench indicated to the Government that more time was needed to have a discussion on certain aspects of the work of the committee in the draft legislation which was brought under cover of this report. Indeed, the Government was pleased to allow that opportunity to prevail. Regrettably, we have not managed to have a conclusion of even an agreement to meet between Government and Opposition. And for the record, I now wish to put the following into position.

First of all, on the date that we last met we agreed that we would stop, have a discussion. The Leader of the Opposition indicated that there were amendments that the Opposition was considering and that at some point we would receive that. Indeed, I was under the impression that those amendments were, in fact, in written form on the last date of sitting. I spent a considerable amount of time—and I thank the Leader of the Opposition for responding to my several text messages. Both the Leader of Government Business and I have been in constant communication with my learned friends opposite, in particular, the Member for Pointe-a-Pierre and the Member for Siparia.

The Member for Siparia indicated to me that she had, herself, prepared written amendments but that she was not in a position to send those because they resided on her computer and that she would have to get it to me at some point. After that, we then went into a constant requesting position for the amendments that the Opposition considered were necessary to the work of the Joint Select Committee. We have not received that. We wrote to the Opposition asking that we, in fact, meet. We were tentatively scheduled to meet last Friday. We again tried, by way of written correspondence, to meet on Wednesday. We attended at the Parliament, the Government Benches to meet on Wednesday, and regrettably, the Opposition did not show up.

I thank my learned friend, the Member for Pointe-a-Pierre, for writing me in response to my own letter to him expressing my disappointment that we had not met on Wednesday, as scheduled and facilitated very kindly by the Parliament in having the room available for us. And for the record, my learned colleague, the Member for Pointe-a-Pierre, indicated, in essence, that there was, from his

understanding, not a confirmed position for a meeting, but specifically my learned colleague had this to say:

At this Friday, June 29, 2018 of the upcoming sitting, the Opposition Bench has several speakers carded to contribute on this issue and as a result may be presenting further amendments to the Anti-Terrorism (Amdt.) Bill, 2018. All amendments would be forthcoming during the proceedings of the debate.

This is why I expressed surprise that no one opposite was standing to contribute, because the Government is fully prepared to take on board the suggestions of my learned colleagues who have, in the course of the Joint Select Committee, done excellent work with the Government in coming up together with a unanimous report of the Joint Select Committee. I note that I have not yet, as I stand now, as Attorney General, leading the consideration of this Bill, received any written amendments from my learned colleagues.

In those circumstances, I am compelled to try to address proposed amendments from that which I have gleaned during the course of the contribution of my learned colleagues. But permit me, Madam Speaker, to put this law into context. I think it is safe to say that the Opposition and Government are agreed that anti-terrorism law is necessary and is important. It is necessary and important for two purposes. Firstly, in the local context, to treat with the reality in Trinidad and Tobago that we have persons who have named themselves, internationally, as supporters of terrorist ideology. And we also have persons who have gone on to television networks—the National Geographic channel is one of them—and have admitted that they not only supported terrorist ideology, but were engaged in active recruiting of persons.

Those two examples alone tell us that that is enough. I personify the first example in the name Shane Crawford, who calls himself Abu Sa'ad al-Trinidad. In Arabic, when you have a name "Al-Rawi" for instance, my name, it means the person, and the district usually is "Rawi". "al-Trinidad" means you are from Trinidad. So we have got Shane Crawford telling the world that he is from Trinidad and that he is encouraging Muslims in Trinidad and Tobago to take up arms against the State and support ISIS philosophy. That was done internationally in the *Dabiq* magazine. And we also have a gentleman by the name of Omar Abdullah who has been featured on a National Geographic programme and who is a citizen of Trinidad and Tobago, representing himself as a Muslim leader in this country, who has said to the world that he, at one point, supported ISIS ideology and philosophy.

I must add, Shane Crawford was detained under the state of emergency called by the Member for Siparia when she was Prime Minister—the hon. Member. The same Shane Crawford was arrested and detained by my friends opposite. So we are agreed that this phenomenon is something that we must treat with; that there are examples in our society.

But let me turn now to the international dynamic, Madam Speaker. Why are we doing this in an international context? We are doing this because Trinidad and Tobago agreed, in many years of successive steps, that we would submit ourselves to the international treaties brought on by the United Nations. Indeed, the Member for Naparima reflected upon it in his contribution and the hon. Member was correct in making that observation.

Trinidad and Tobago started this journey in April 1995, when we had our first round mutual evaluation by the Caribbean Financial Action Task Force—1995. June 2002, we had our second round mutual evaluation. In May to June 2005, we had onsite visits, et cetera, and in 2005 our Anti-Terrorism Act became law in Trinidad and Tobago and there is a legislative history of that.

Madam Speaker, it was through February 2012 and February 2013 that my learned friends opposite, the UNC Government, dealt with the FATF recommendations and committed Trinidad and Tobago in the CFATF arena to be the first country in the CFATF, then 27-country basin, to undergo what is called the fourth round mutual evaluation, where they test two things: One, your technical compliance: Do you have laws to treat with certain things? And, secondly, your efficiency: Are your laws working? And what evidence do we have?

As a result of observations in the third round and fourth round mutual evaluation process and in getting to the onsite examination in January 2015, Trinidad and Tobago found itself obliged to amend our laws. And, indeed, my learned friends opposite amended the Anti-Terrorism Act, the Financial Intelligence Unit legislation, the Proceeds of Crime Act, the Financial Obligation Regulations, the Central Bank Act, the Exchange Control legislation, a host of subsidiary laws, in 2010, 2011, 2012, 2014 and 2015. That is what my learned friends opposite did.

Today we come now, having got our fourth round mutual evaluation—we were committed to it by my learned friends opposite. I cannot say that it was a pleasure to be one of the first countries in the world to undergo fourth round mutual evaluation, but so the die was cast and we entered into it.

Upon becoming Government, forming this Government in September 2015, Trinidad and Tobago became the Chair of the Caribbean Financial Action Task Force. The Attorney General of Trinidad and Tobago—I, as its officeholder—became the Chair of the Caribbean Financial Action Task Force. And in that, we went through our fourth round mutual evaluation report, and in June 2016 that report was adopted and Trinidad and Tobago went into two specific routes. Number one, we fell into something referred to as Enhanced Follow Up—that is at the CFATF level; and secondly, we went into something called the ICRG process with FATF. So we have two bodies looking after us.

2.30 p.m.

The ICRG is the International Co-operation Review Group, which is a body of FATF, which looks at Trinidad and Tobago. In dealing with this, starting the journey since 1995, the international framework is very deliberate and very specific. You are required to give an action plan, you are required to say when you are going to address your deficiencies against the 40 recommendations and the immediate outcomes—the 10 of them—and you are obliged to stick to your timelines. Madam Speaker, the amendments which we seek to do in this Bill are being watched by our International Co-operation Review Group and CFATF, and they are also being watched by other entities, in particular the Global Forum, and the European Union, the European Parliament.

Mr. Hinds: Also ISIS?

Hon. F. Al-Rawi: If you do not—yes—comply with your obligations, you are going to fall into the realm of enhanced due diligence. What does that mean? The banks say to you, internationally, we will not do business with your country because you have moved from what they call grey listing into you what you are called blacklisting. Trinidad and Tobago is currently on the network of what is colloquially referred to as a grey list. We are published by FATF in the improving global AML/CFT compliance ongoing process. FATF has looked at us, they have a mechanism called a joint group review where the Attorney General and team must attend before the Americas Group. It is next scheduled for September 05, 2018. We last had one in September 2017, and you are committed to an action plan.

Madam Speaker, if we do not complete the amendments to this law today in the House of Representatives to allow us to go to the Senate, we will not complete the timeline that FATF has set out for us to be able to report on September 5th as to where we stand. And specifically, Madam Speaker, I must put on record, the European Parliament is in fact applying sanctions to Trinidad and Tobago. We

have been put into deficiency by, for instance, South Korean cryptocurrency exchange and the European Parliament, where they have mischaracterized our status on the compliance document that I have just referred to, and the banking sector in Europe is currently stopping banking transactions and brokerage transactions with Trinidad and Tobago entities. So even though we are not supposed to be treated with enhanced due diligence, not supposed to be blacklisted, the European Parliament has mischaracterized the FATF report.

So, Madam Speaker, imagine if we do not achieve the Bill, what will happen. For Trinidad and Tobago's sake, I ask you to note that the Attorney General's Office has written to Caricom, we have written to the President of FATF, we have written to CFATF, it is going to be raised at Heads of Caricom meeting next week in their session where the hon. Prime Minister will take the lead on this. Every Attorney General from the Caricom countries has agreed to support Trinidad and Tobago through my own advocacy, and we will be taking the charge to the European Parliament and to FATF to make sure that not only Trinidad and Tobago is not treated with negative consequences, but that the rest of our Caricom countries which are following behind us in their Fourth Round Mutual Evaluation do not find themselves in the position of blacklisting and sanctions when it should not happen.

I just wanted to that put into context to let the hon. Members opposite know that in taking our time to treat with this legislation, in treating with the very many meetings—12 meetings on the record, at least three other meetings off the record in the JSC—we have taken a generous amount of time to consider the amendments to the Anti-Terrorism Bill. We have engaged in wide stakeholder consultation. We have had public hearings. We have received commendations, both Government and Opposition for our positions. The international entities have also been speaking with us. Indeed, the Government encouraged all international entities, foreign states, to engage not only Government, but Opposition as well. The United States of America has engaged us both, the United Kingdom has engaged us both, Opposition and Government, and this is at this Government's request. So that it is not going to be just a Government-driven agenda, because my learned friends opposite are required to support the improvements to our law.

Now, Madam Speaker, I want to put onto the record that the legislative history of the Anti-Terrorism Act is very important. The Anti-Terrorism Act, 2005 was not dealt with by way of special majority; the Anti-Terrorism Act, which was amended by Act No. 2 of 2010, had a three-fifths majority; the Anti-Terrorism amendments, which came by Act No. 16 of 2011, was a simple majority dealt

with by Brig. Sandy for the UNC Government; the Anti-Terrorism amendments that came by Act No. 14 of 2012, dealt with by Attorney General Ramlogan for the UNC Government, had a three-fifths majority; the Anti-Terrorism Act No. 15 of 2014, dealt with by Minister Howai for the UNC Government, had a special majority clause; and, Madam Speaker, I am pleased to say that the PNM Opposition supported every single amendment made, whether simple majority, or special majority, without a whimper of negativity inside that equation. No fuss, no hindrance.

Now, Madam Speaker, let us get to the observations of my learned friends opposite. We have been through the purpose of the Bill, we have said what the structure is, we are cautioning that we are being treated by way of mischaracterization, there is active blacklisting which should not happen, there is active enhanced due diligence being applied against Trinidad and Tobago, our economies are suffering and have the risk of suffering more if we do not get this right. So let us deal with the pause. We took a week off plus, we tried to meet, we tried to get amendments out of the Opposition, my learned friends opposite in their contributions made certain observations—let us go to the observations. The observations of my learned friends—Madam Speaker, what is the precise time I must end in full time?

Madam Speaker: You have 2.49.29 as your original time. You have an extended 15 minutes after that.

Hon. F. Al-Rawi: Thank you, Madam Speaker. So it is just after three. Thank you, Madam Speaker—3.04 p.m. Madam Speaker, let us get to how this law works when we consider the amendments that my learned friends have said on the floor, postulated over and which I welcomed from my learned colleagues opposite.

The Anti-Terrorism Act is built upon two particular structures, the civil end of the anti-terrorism law and the criminal end of the anti-terrorism law. Our anti-terrorism law defines a terrorist act. It is treated with by way of extraterritoriality, meaning, if you are a Trinidad and Tobago citizen and you are found guilty of or suspected of committing an offence under the anti-terrorism laws, it can apply with respect to acts which were committed abroad. The criminal end of the equation is managed by the Commissioner of Police conducting investigations and by way of the Director of Public Prosecutions being involved in that process. It is treated with by way of proof beyond reasonable doubt, and proof beyond reasonable doubt is the standard for criminal prosecution.

On the other side of the equation, we are treating with the civil law. The civil law is managed in accordance with our Constitution. Section 76(2) of the Constitution of the Republic of Trinidad and Tobago so described as the supreme law by section 2 of the Constitution, says that the Attorney General for Trinidad and Tobago, whomever is the officeholder, is effectively in charge of civil matters in our democracy.

In the civil side of the anti-terrorism law, the Attorney General is vested with a very important feature, and that is specifically under Part IIIA of the legislation where we are treating with the matters of listing of entities, individuals, designated entities, or any other entity that may be involved in terrorism, the Attorney General falls and comes into action under section 22B of the parent Act where the Attorney General approaches the court of Trinidad and Tobago, the High Court, asks a judge to consider the matter, and then the entity, individual, or designated entity—and a designated entity is an entity which the UN has designated—the court considers the application and may or may not grant an order which freezes and organizes the affairs of persons on the civil side. So you list the entity under section 22B and then the freezing mechanisms kick in after that. That has been the law starting in 2005 when the Act came in, put into effect in the 2010 amendments when Part IIIA was inserted, improved by way of amendments under the UNC Government in 2011, 2012, 2014, 2015, and it has been available for use by any Attorney General for the entire time that the law stood.

In September 2015, there had been no listings ever done in Trinidad and Tobago, and the Act was effectively virgin territory. No listings, no terrorist financing, no prosecutions for criminal activity considered to be terrorism, zero. In September 2015, we took the decision to operationalize the anti-terrorism law. The Attorney General's Office created the anti-terrorism desk and we went to work, and today we have listed 357 entities. We have gone to the United Nations, we have listed designated entities there, we have reciprocated here, we have incorporated a task force which is a comprised law enforcement agency, an Attorney General task force, called Task Force Charlie, where we coordinate the entities as we are supposed to under law. We have done the operationalization of this law. So I wanted to explain the substrata of it before I come to the amendments.

When we looked to the amendments that I have gleaned from my learned colleagues opposite—my learned colleagues opposite, through the contribution of the hon. Member for Siparia, noted firstly that there was an inadvertent maintenance of an Arabic name in section 2 of the Act, clause 5 of the Bill. My

learned friend opposite noted the reference to Taliban, and that reference to Taliban should have been removed because we had agreed as a formula for approach that we would refer to the 1988 committee, meaning the sanctions committee established by the UN and Article 30 of the UNSCR Resolution 1988. Taliban is an Arabic word. In Arabic, Talib means student. Taliban is the plural for students. It just means students. Students of Islam. So we are proposing, consequent upon the observations of my learned colleague, the Member for Siparia, that that be attended to by way of an amendment to remove the reference to Taliban.

My learned friends opposite proposed that in the new feature of the proposed section 15, where we are inserting that by way of clause 22, that we should in fact allow for the Order, which the Minister of National Security can make, where a part of a territory, a part of a state can be declared as a declared geographical zone, that we in fact put that subject to negative resolution of Parliament. We think that that is a very sensible solution. It was something which we discussed in the committee, the Joint Select Committee. We featured upon it, but the committee decided not to put it in there. There is no objection to it being reverted now and put in there because it can only provide for more ventilation of a designated entity in the event that there is a debate over it. That would add to the fact that the committee itself, the Joint Select Committee, recommended that the Leader of the Opposition be informed of designations to include that feature into our law.

Madam Speaker, we are also now to observe another observation by my learned colleagues opposite. Again, in clause 22 of the Bill, the hon. Member for Siparia noted that whilst we had provided a specific time frame of 30 days for adults to inform the Commissioner of Police of certain matters when they return to Trinidad and Tobago, that we are not putting a similar provision for children and, therefore, the recommendation made by my learned colleague, the Member for Siparia, has found favour with the Government and we propose that we also include the similar prescription for 30 days applying by way of an amendment to what is section 15D as it is proposed in clause 22 where we add that the person shall give notice no later than 30 days upon return to Trinidad and Tobago.

My learned friends opposite also made reference to the need for a report to be laid in Parliament, and it is something which in fact did not feature in the parent law. There is no requirement for a report. We think that it is useful to have a specific report on the Anti-Terrorism Act and, therefore, we propose that that suggestion be accepted by the insertion of a new 22BF where:

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“The Attorney General shall cause to be prepared and laid in parliament, an annual report on the number of entities listed in accordance with...22B.”

Madam Speaker, we noticed, and this is not an observation coming from my learned colleagues opposite, but we noticed that clause 28 of the Bill inadvertently maintained the use of the word of “the Committee”, and that did not therefore pick up the manner in which we proposed to treat with “the Committee” because it did not expand it to the 1267, 1989 and 2253 Committee and, therefore, we have just cured that to bring it in keeping with the other places where we use the same formula. So we are proposing that clause 28 of the Bill be treated with in similar language to that which we have agreed for the use of the replacement of “the Committee” the use of the replacement of the Arabic words referenced—“Taliban”, et cetera, et cetera—and that we replace those with this formula.

It now brings me to the core observation, which I had some difficulty with, made by my learned friend, the Member for Siparia, and that is that there was an expression of discomfort that the Attorney General featured in the formulation of an investigation, and let me centre onto that in what section 22AA and section 22B, et cetera, of the parent Act as it is proposed to be amended, treats with. Madam Speaker, in the formula accepted by the Joint Select Committee that feeling of an executive person being involved was discussed, but let me treat with it from the parent law, work my way back. In the Anti-Terrorism Act there are three very important sections which are the existing law that I want to refer hon. Members to. They are section 25 of the parent Act, section 33, section 32 of the parent Act and also section 37 of the parent Act, and I will add into that, section 33. So let me repeat, 25, 32, 33 and 37. This is the existing law as it stands, before the committee even went to work.

These sections fall under Part V. Beginning at Part V of the Act, Jurisdiction and Trial of Offences, and section 25(3) of this parent Act is very important to consider the observations in relation to the Commissioner of Police and the Financial Intelligence Unit. 25(3) says this:

“Where the Attorney General receives information that there may be present in Trinidad and Tobago a person who is alleged to have committed an offence under this Act”—that is anybody—“the Attorney General shall—

(a) cause an investigation to be carried out in respect of that allegation;”

So that is 25(3) of the existing law as it existed under the UNC Government, the PNM Government, and now a PNM Government again.

Section 32, which is under Part VII, Disclosure and Sharing Information, says this specifically:

“32. (1) Every person or regulatory authority who has any information which will assist in—

- (a) preventing the commission by any other person, of a terrorist act;...
- (b) securing an arrest or prosecution of another person for an offence under this Act, or an offence under any other law and which also constitutes a terrorist act, shall forthwith disclose the information to a police officer...or the Central Authority as defined under the Mutual Assistance in Criminal Matters Act.”

So, the Central Authority under the Mutual Assistance in Criminal Matters Act is the Attorney General of Trinidad and Tobago—

Madam Speaker: Attorney General, your original 30 minutes are now spent. You are entitled to 15 more minutes if you so wish.

Hon. F. Al-Rawi: Should it please you.

Madam Speaker: You may proceed.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, let us go to subsections in section 32.

“(2) Notwithstanding subsection (1) a person referred to in...(1), shall not be required to disclose information which is protected by privilege.

(3) Civil or criminal proceedings shall not lie against any person for disclosing...information in good faith...

(4) ...person who fails to comply...commits an offence...

(5) For the purposes of this section”—listen to this one—“‘regulatory authority’ means the Central Bank, the Securities Exchange Commission, the Financial Intelligence Unit, the Trinidad and Tobago Stock Exchange, the Inspector of Financial Institutions and the Commissioner of Co-operatives.”

So that is the existing law, 25(3), section 32 now of the parent Act.

Section 33:

“(1) Every person shall...disclose to the FIU—”

And 33(2) says:

“The FIU shall disclose to the appropriate authority, any information in his possession relating to...terrorist property if such information is requested or if the Minister is of the view that the information would be relevant...”

33(6):

“Every person who fails to comply...commits an offence...”

—et cetera, and there is the exception for good faith, et cetera.

Section 37:

“(1) The Attorney General may make an application to a judge for an Order of forfeiture...” et cetera.

Now 22—[*Interruption*—Sure.

Mrs. Persad-Bissessar SC: Thank you. Would you be kind enough, as you are going through the parent law, why it is you want to change what is the existing law with respect to those sections? What is the problem you are having with the existing sections?

Hon. F. Al-Rawi: I thank my learned colleague because that is spot on. Good question. Having had the benefit of applying for 357 Orders for listing of entities, what—

Dr. Tewarie: Which you have got.

Hon. F. Al-Rawi: Pardon?

Dr. Tewarie: Which you have got.

Hon. F. Al-Rawi: Yes, which have all been successful. These are Orders of the court, the High Court of Trinidad and Tobago. What we found was that there was a need to put in a process flow into section 22AA and into section 22B, and it achieves two purposes. So it is borne on the back of experience in court, but it is also borne on the back that the interrogators of our legislation from the joint group, which is the joint group of the Americas which looks at us at the ICRG process at FATF, that is very much borne out of a civil law system where they are very prescriptive in the language which applies, and other jurisdictions around the world—and I have traversed all of the Commonwealth and the FATF countries. All of the jurisdictions around the world have a similar prescriptive matrix.

So why borrow from 25, 33, 32, 37? Specifically, we propose in clause 22AA that we add in a subsection (d) to section 2. In 22AA we are saying, for the purposes of a section 22B application—that is a listing of an entity, a designated entity or an individual.

“(2) For the purposes of section 22B, the FIU shall be responsible for—”

And here is the bit:

“furnishing the Attorney General with information required to facilitate an application under 22B and section 37 spontaneously or upon request;”

So we are not just going for a wide-ranging application. It is specifically for section 22B listings, civil end listings, and section 37 which is the forfeiture provisions that we get into. But what we think is apposite here is that we actually factor a small amendment, because my learned friend, the Member for Siparia, observed as she did, which caused the Government to have a double look at what we did for the Commissioner of Police.

The Joint Select Committee unanimously agreed that the Attorney General may ask the Commissioner of Police for an investigation, and the Commissioner may conduct an investigation, but that the Commissioner at the end of his investigation may inform the Attorney General not of everything but of the relevant particulars because what is relevant is what is relevant for section 22B. That is the listing. We believe that similar to that amendment that we can perhaps treat with a small amendment to section 22AA as we propose in the Bill that it be treated with, and allow for the FIU to only give relevant information. So we propose that we use the same formula that the Commissioner of Police is bound to observe, as recommended by the Joint Select Committee unanimously, we propose that that be treated with for the FIU as well.

So, Madam Speaker, 22AA which we propose to have amended, we propose that—well we ask my learned friends opposite to bear in mind the Constitution, section 76(2), it is the Attorney General that does civil matters. Section 22B, the listing of entities is to be done by the Attorney General. It is a civil law process. It has been the law under the anti-terrorism laws in its entire history, beginning in 2010 when that amendment was introduced. So between 2010 to now, it is the existing law.

(3) Under the Mutual Assistance in Criminal Matters Act, the Attorney General is the Central Authority.

The Attorney General has the ability and in fact engages in a direct discussion with the Commissioner of Police as well as the Director of Public Prosecutions in relation to matters including evidence and charges of a criminal nature and, therefore, one ought not to be disturbed as to the mere mention of an executive function.

Further, in the Commonwealth and in the Caribbean Commonwealth it is demonstrated that there is ample precedent for the Attorney General, or another functionary of an executive nature—that is an elected Government—to actually be involved in this process. And I wish to refer to Antigua and Barbuda, the Bahamas, the United Kingdom, Australia, Canada, where the Minister of Foreign Affairs, for instance in Canada, can cause the listing, where the Secretary with responsibility under the United Kingdom formula can cause a process to be done, where the Attorney General in Bahamas, the Attorney General in Antigua and Barbuda causes dysfunctionality. So there is ample precedent.

But, Madam Speaker, permit to be very careful to say whilst we tour the legislative environment around the world, as we borrowed for instance in the designation in the section 15 which we create is declared geographical zones we borrowed from Australia, I want to put on the record something which is extremely important. We are not comparing apples with apples. In the United Kingdom and in Australia, there are very different and very draconian measures of law that operate in their environment, and that is something which we must be extremely careful to remember, because when we look to the UK experience as a matter of priority, the United Kingdom has very important purpose in its law and permit me to put this into the record. I thought my learned friend was going to speak.

Madam Speaker, the United Kingdom has in its Criminal Justice and Public Order Act, 1994, sections 35 and 37, listen to this:

It—“allows an inference to be drawn when a defendant is silent at trial.”

This section is something which allows an inference to be drawn where a person fails or refuses to account for objects or substances or marks found on his person, et cetera. The United Kingdom secures the vast majority of its convictions for terrorism in the exact opposite of our Constitution.

In our Constitution in section 5, you have the right effectively to remain silent, it is your right against self-incrimination. In the United Kingdom if you remain silent it is an adverse inference and the vast majority of their convictions come on that basis, but in the United Kingdom there is limited disclosure. In the United

Kingdom you can be arrested without a warrant. In the United Kingdom your detention can be extended unilaterally by the police. In the United Kingdom they can sequester and limit the involvement of the defence. So they are not obliged, as under our laws for disclosure in the criminal law arena, to show the weakness of your case.

3.00 p.m.

It is the exact opposite of our judicial system. Australia has similar mechanisms. The United States has similar mechanisms. So when we hear: “bring in a reviewer, bring in special procedures, do it this way”. The need for independent involvement of entities in these other jurisdictions is essential, because you could be locked up and lost in Guantanamo Bay like that. And that is the vast difference between our systems.

Furthermore, our criminal law environment has a sacrosanct standard of proof, proof beyond reasonable doubt, where we do not have limitations on evidence. How many convictions do we have for terrorist financing and for terrorism? Zero. The only leg of the equation that is working exceptionally well is the civil law end under the Attorney General, as our Government has now successfully demonstrated.

And, Madam Speaker, what is required in this rubric is for us to recognize that our judicial legal system, our laws and our Constitution, are remarkably different from the comparators that are being brought as appropriate comparators to cause change to our laws.

Madam Speaker, I urge my learned colleagues opposite to recognize that the battle against terrorism is a certain and real one for all of us. My learned colleagues have certainly enjoyed the benefit of the law standing the way it was, from 2005 straight up to when they left office. The power of the Attorney General and involvement on the civil law side has been the law for the longest while, since 2010. Section 25, section 32, section 33, section 37 of the parent law, the Mutual Assistance in Criminal Matters Act, by which the central authority comes to life in extradition, the FIU laws, the FOR laws, the securities and exchange laws and the supreme law of Trinidad and Tobago, the Constitution, all provide for this mechanism.

This is D-Day. This is the day that the world is looking at us. And if any one of us thinks that the world is not looking at us, we have to think again. I know that the Department of Justice in the United States of America is looking at us now. I know that the United Kingdom is looking at us right now. I know that

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[HON. F. AL-RAWI]

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Canada is looking at us right now. Australia is looking at us right now. FATF is looking at us. CFATF is looking at us.

Mrs. Persad-Bissessar SC: What about Jamaica and Barbados?

Hon. F. Al-Rawi: Jamaica and Barbados are, as a matter of fact, because I spoke with both Attorneys General on this very issue. Jamaica in fact asked me: What was the issue? And then I explained to them that their Constitution is different from ours because what passes there easily is often a journey here for us. Because they have an exception in their Constitution, which we do not have.

Madam Speaker, I can see no reason for us to not support this Bill with the proposed amendments that I have articulated so far. I look forward to hearing from my learned colleagues. I thank all members of the Joint Select Committee for their unanimous support. I thank the members that gave their hard effort. I thank the parliamentary staff, the Attorney General's Office, the Parliamentary Counsel that worked with us so diligently, and I beg to move. [*Desk thumping*]

Question put and agreed to.

Resolved:

That this House adopt the Report of the Joint Select Committee appointed to consider and report on the Anti-Terrorism (Amdt.) Bill, 2018.

Question put and agreed to.

Bill accordingly read a second time.

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

Madam Chairman: Members, are we ready? All right, the committee is now in session.

Clause 1.

Question proposed: That clause 1 stand part of the Bill.

Mr. Lee: Division.

Question put and agreed to.

Clause 1 ordered to stand part of the Bill.

Hon. Member: We asked for a division on clause 1?

Madam Chairman: I will only allow the division if it is required in law if I am not certain by the voices.

Clauses 2 to 4 ordered to stand part of the Bill.

Clause 5.

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

Mr. Al-Rawi: Madam Chair, the Government has not circulated an amendment to clause 5, but I raised it in my contribution as something which we had just observed. I see that the Leader of the Opposition has also circulated an amendment to clause 5.

That which the Government proposes is to be found at—it is in relation to the 1988 Committee. So it is to be found—remember, Madam Chair, for Members' orientation, because there are so many papers before us, we are dealing with the Bill as it is reported from the report. So, in that report there is an amendment which is recommended that has the 1988 Committee, and it is there that we propose, that would be at page 350 of the report, and we are proposing specifically where the defined term “1988 Committee” appears, that we delete that and substitute instead, the following words:

“1988 Committee” means the Sanctions Committee established by the United Nations pursuant to Article 30 of United Nations Security Council Resolution 1988 (2011);

So if I could repeat that please?

“1988 Committee” means the Sanctions Committee established by the United Nations pursuant to Article 30 of United Nations Security Council Resolution 1988 (2011);

The Government does not propose any other amendment other than that and I apologize for not having written that in the circulated form.

Mrs. Persad-Bissessar SC: AG, did you take care of the word “Taliban”?

Mr. Al-Rawi: Yes Ma'am, specifically yes.

Mrs. Persad-Bissessar SC: Okay. Ma'am, may I crave your indulgence as to how we are to proceed, Madam? Because the AG has amendments to this clause and so does the Opposition.

Madam Chairman: Right. So I think what we will take them as, we will take all the proposed amendments under the particular clause, which we would say amendment (1), (2), (3), and then we will put the questions in respect of each.

Mrs. Persad-Bissessar SC: Thank you for that guidance.

Madam Chairman: So that the Government's (1), we will say as amendment (1) to clause 5. Yes?

Mrs. Persad-Bissessar SC: Yes.

By inserting immediately in the appropriate alphabetical sequence, the following new definitions:

“Central Authority” means the person or authority designated as the Central Authority for Trinidad and Tobago in pursuance of section 3 of the Mutual Assistance in Criminal Matters Act Chap. 11:24;

“Director of Public Prosecutions” means the Director of Public Prosecutions of Trinidad and Tobago or any person assigned by him for the purpose of this Act;

Madam, I propose that we amend clause 5, which is the definition clause, in two respects, and this is circulated on page 1, re: clause 5, list of amendments to be moved by the Opposition. And here is to include a definition for “Central Authority”. The Central Authority is already contained in the law, but some of my proposed amendments later on include making further amendments to include the Central Authority. Whether those succeed or fail, Madam, there is the Central Authority mentioned. The AG read the section earlier. And I propose that we give the definition as circulated, which means the person or authority as designated under the Mutual Assistance in Criminal Matters Act, Chap. 11:24. That is the first proposed amendment.

And the second proposed amendment is to insert a definition of the “Director of Public Prosecutions”. This is already mentioned in the law, but there is no definition in the definition section.

And further amendments that we wish to propose include inserting the DPP. So whether those down the road fail or succeed, these two are not otiose. We still have a need for these two amendments. Do I need to talk to it, or?

Madam Chairman: It is up to you if you wish to talk to the amendments, if you wish to develop it and then I will.

Mrs. Persad-Bissessar SC: I wonder if I should mention then what area it is that we can talk?

Madam Chairman: Attorney General.

Mr. Al-Rawi: Sure. Madam Chair, without crossing beyond the confines of clause 5, which is to seek an amendment to define the “Central Authority” and the

“Director of Public Prosecutions”, subject to one minor amendment to that proposed by my learned colleague. In principle, it is not objectionable, because Central Authority is referred to in section 33, section 32 of the legislation and elsewhere in the parent Act, so too is the Director of Public Prosecutions. It has not caused a problem for the many years since 2005, where that has been in place. So, from that point of view, there is no objection to that. That is squarely within the confines of clause 5.

Later on we may—

Madam Chairman: So, for now we are just talking about for the definition?

Mr. Al-Rawi: Yes, Madam Chair, and with respect to that proposed by my colleague, the only thing that needs to be attended to, from a drafting perspective, would be to delete the reference to Chap. 11:24 for Central Authority. So it would just end at the word “Act”. So:

Central Authority means the person or authority designated as the Central Authority for Trinidad and Tobago in pursuance of section 3 of the Mutual Assistance in Criminal Matters Act.

And then the side note would have the reference to the Act. So delete “Chap. 11:24”.

Mrs. Persad-Bissessar SC: And the rest of the amendment is accepted. Is that what you are saying, Sir?

Mr. Al-Rawi: Yes, Ma’am. And those are agreeable, Madam Chair, because the terms appear in the parent law as it is.

Madam Chairman: Okay. The question is that clause 5 be amended in terms of amendment (1), as proposed by the Government, amendment (1), as proposed by the Opposition and amendment (2), as proposed by the Opposition.

Mrs. Persad-Bissessar SC: Save and except delete “Chap. 11:24” to Central Authority. Yes?

Mrs. Persad-Bissessar SC: Yes, Ma’am.

Madam Chairman: Okay. So the question is that clause 5 be amended as follows, to amend, in terms of amendment (1) to clause 5 as proposed by the Government; in terms of the amendment, the first amendment to clause 5, as proposed by the Opposition, save and except the words “Chap. 11:24”, which are to be excluded and amendment (2) to clause 5, as proposed by the Opposition.

Question, on amendments, [Mr. F. Al-Rawi and Mrs. Persad-Bissessar SC] put and agreed to.

Question put and agreed.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

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

Mr. Al-Rawi: Madam Chair, if I may just enquire, neither Government nor Opposition has any amendments in clauses 6 to 21, inclusive. Would it be amenable to the business of this House if we were to consider them together?

Mrs. Persad-Bissessar SC: Yes.

Madam Chairman: Okay. Thank you.

Question put and agreed to.

Clauses 6 to 21 ordered to stand part of the Bill.

Clause 22.

Question proposed: That clause 22 stand part of the Bill.

Mr. Al-Rawi: A. In proposed section 15B, in subsection (1), by inserting after the words "Order," the words "subject to negative resolution of Parliament".

B. In proposed section 15D, insert after subsection (2), the following new subsection (2A):

“(2A) A person who travels to a declared geographical area with a child without giving prior notice under subsection (1) shall immediately, but no later than thirty days upon his return to Trinidad and Tobago, provide the Commissioner of Police with –

- (a) reasons for his travel to the declared geographical area with the child;
- (b) reasons as to why he was unable to give prior notice; and
- (c) documentary evidence substantiating the reasons given under paragraph (b).”

Madam Chair, should it please you, the Government proposes in clause 22 that we cause two amendments. Firstly, to section 15B, as the amended Bill from the Joint Select Committee proposes and also to section 15D, as that report also proposes.

The amendments are in the text circulated by the Government. And in the first instance, in respect of 15B, we propose that the order which the Minister may make for the declaration of the geographical zone be subjected to negative resolution. It meets with a similar recommendation by my learned colleague for Siparia, with respect to clause 22 in the first item that the Member has proposed, as circulated.

In the second instance, the Government is proposing in section 15D to insert after subsection (2) a following new subsection (2A). And just to read it into the record, it is that prescriptive language which we use for adults, where we had provided for adults that they should, no later than 30 days upon return provide the Commissioner with certain information. We are proposing that that also apply with respect to children. So the language is that as circulated. It comes from an observation from my learned friend for Siparia, where the observation was made that we were not in harmony with the prescription for adults. Those are the two amendments and the rationale for them as circulated by the Government.

3.30 p.m.

Mrs. Persad-Bissessar SC: Thank you, Madam Chair. The amendment being proposed by the Government at clause 22, (A) is in fact identical to amendment 22 (A) with respect to clause 22. So I think the Government took our comments on board, and I want to thank them for that.

With respect to (B) again, I have not circulated this, but the AG when I spoke of it in the debate did undertake to do this. So we also have no objection to (B) for clause 22; circulated by the Government. This clears the difference in language in where a child is travelling as versus when an adult is travelling. We are have happy to see those two amendments, Madam. We have no objection to those.

We do have a further amendment to this clause. Should I deal with this now?

Madam Chairman: Yes, please.

Mrs. Persad-Bissessar SC: Clause 22:

In proposed section 15B—

(a) Insert in subsection (1) after the word “Order,” the words “subject to negative resolution of the House of Representatives”.

(b) Insert new subsection:

“(7) The Joint Select Committee on National Security may

review a declaration before the end of the period during which the declaration made under subsection (1) may lapse or be revoked by the Minister.”

Which is clause 22 proposed amendments to be dealt with by the Opposition, (b), so (A) as circulated is identical to the Government’s (A), (b) in our list of amendments. We want to suggest here to insert a new subsection. Where—

“The Joint Select Committee on National Security may review a declaration before the end of the period during which the declaration made under subsection (1) may lapse or be revoked by a Minister.”

So there will be parliamentary oversight where a declaration is made to have an area listed as a geographic zone, and there are very adverse things that can happen to people who go to these designated areas on return. And therefore it is very important that there is a transparency and public openness of these things taking place.

So a person could go there and be caught, never even knowing that the area has been declared. They would have been outside of the country, Trinidad and Tobago decides to declare, they do not know. So there is this openness as well that the JSC—and again, I renew my previous comment which is a segue about the chairmanship of that committee. Nevertheless, we just ask—this JSC to be inserted for Parliamentary oversight.

Mr. Al-Rawi: Madam Chairman, I appreciate and understand and thank my learned colleague for the reflection. The reason why we cannot accept it—or I would like my learned colleague to think about it this way, is that technically orders go before the Statutory Instruments Committee and therefore our prescription under our Standing Orders provides for it that way. Philosophically, I agree with my learned colleague, but now we are running into difficulties as to which committee has priority over the other.

The reason for us not wanting to accept the amendment in prescriptive language in the law is that there is nothing to stop the National Security Council of its own volition from causing it to come on to the agenda. But in any event it must go to the Statutory Instruments Committee as a matter of fact. So it was only for that reason that we did not warm to the expressed language offered by my learned colleague. I think that the spirit of what my colleague is proposing is definitely something which falls into the garden of the Government and it is welcomed. It is something which the Parliament does of its own accord, and as a matter of routine for the Statutory Instruments Committee and then the National

Security Council—sorry, the Joint Select Committee established for National Security has that privilege in addition to that.

Mrs. Persad-Bissessar SC: Thank you, Ma'am. Whilst I would prefer that we insert parliamentary oversight, especially given the kind of draconian powers that are being given to the Executive in this piece of law. We understand the need for it. What harm is there, if I may ask the AG, what harm would it cause if it is inserted? Would it cause any harm?

Mr. Al-Rawi: Yes. The harm that it would cause is that it would usurp the functionality of the Statutory Instruments Committee. But in any event we have agreed, we think it very sensible, that we subject the order to negative resolution in any event. And we have also taken the suggestion, the Joint Select Committee agreed to this, that we specifically inform the Leader of the Opposition because this is of national importance. And one cannot take the view, whilst it is true that the Executive ought to have the ability to be the Executive and to have that functionality, we have broadened the perspective in the Joint Select Committee.

So it is only for the collision with the Statutory Instruments Committee, but there is nothing that prohibits, right now, the national security JSC from considering this matter.

Mrs. Persad-Bissessar SC: With the greatest of respect there is a great deal with the existing situation that will prevent it going there—you are chairman.

Mr. Al-Rawi: So let me work it out this way. The Joint Select Committee on National Security may review a declaration, and then what? What can it compel as a result of that?

Mrs. Persad-Bissessar SC: Well, it is the same thing. When you inform the Leader of the Opposition what does it compel? Taking your argument on the road. What does it compel? It compels a public debate of this particular matter. It brings it to the attention of the public who may be affected by, as I said, travelling to these areas, being caught in these areas. How many people read a *Gazette*?

Mr. Al-Rawi: Agreed. Which is why we have the negative resolution—

Mrs. Persad-Bissessar SC: I think many of us sitting right here do not read the *Gazette*.

Mr. Al-Rawi: Which is why we have it for negative resolution. So that has been the law always. But what we have agreed, and the Joint Select Committee

considered it specifically, put it for negative resolution. Subject it to negative resolution. It is therefore something—now mind you it is very different, you know. Most things run the risk when they are for negative resolution of not being caught. It was laid on the table 42 days, you did not notice it. In this case here the JSC has said do not stop there. When the Minister does this declaration, he must specifically inform the leader of the Opposition, and then the Leader of the Opposition is positively informed and has the option to raise a Motion for negative resolution.

Dr. Moonilal: Thank you very much, Madam Chair. I am happy that the Attorney General recalled that this matter was raised and discussed. And I just wanted to reiterate the fundamental difference between sending an Order to the Statutory Instruments Committee and giving the power to a joint select committee that may review. They may not review.

But in circumstances where information arises on the listing on actions taken by the Executive, to give the Joint Select Committee a power in the law that they may review also will mean that that committee can call persons who are affected, or communities who are affected for that matter, to come before the Parliament in public, not in camera, but in public, and they may have an opportunity to voice their concerns, to raise questions. But also to make—

Mr. Al-Rawi: Functionally, I am listening.

[Mr. Al-Rawi confers with Dr. Rowley]

Dr. Moonilal: Yes, thank you. The Statutory Instruments Committee would have a fundamentally different function. It is an administrative function that may or may not lead to a Parliamentary debate to negative an Order. But that is fundamentally a debate among Members of Parliament in the House. But placing this matter and giving the statutory right to a joint select committee to, if they so decide, to review an Order, means that the affected persons, entities or related entities or persons can come before a JSC, explain themselves, raise the matter in public; you have the public awareness, you have the public education in some cases, sensitivity, and bring to me and to us here, greater transparency, greater openness on this sensitive part of the operations of the Anti-Terrorism Bill.

And that is why it was raised in the Joint Select Committee specifically, because while we know that any matter—the House of Representatives can refer a matter to the Joint Select Committee A, B or C, to put that in the law, means that those persons affected or related persons or entities may have an opportunity to come before and be heard. When we are debating a matter here, nobody can be

heard except those of us in the Chamber, and this is why we were reiterating and really emphasizing that this really is a best practice or a good governance approach to the matter.

Mr. Al-Rawi: Madam Chair, I thank my learned colleague for his submission. It is certainly something which the Joint Select Committee itself considered. In the committee, we did not include, all of us, we did not include it specifically because there was the recognition amongst all Members that national security and executive functionality as it relates to national security is a very specific thing.

In particular, my learned colleague, the Member for Siparia, as a past head of the National Security Council will know, that there are some things that a national security council will be aware of that it cannot itself speak about publically. One may have information which if not yet evidence or cannot be treated within a particular way. It was for this very delicate balance of positions that we felt that it could not and when I say we, I mean the Joint Select Committee, that we ought to leave it the way it was. We had a fulsome discussion on it.

Let us step beyond that now, and the submission of my learned colleague. Members of Parliament do represent people. It is true that other persons cannot appear before the Parliament in its sitting other than by way of a Committee. But there are umpteen other mechanisms by which Committees of Parliament can go to work, including the Statutory Instruments Committee, and including the fact that we can have specific Motions for matters to be referred to elsewhere.

Mr. Singh: Thank you, Madam Chair. I listened carefully to the hon. Attorney General, Madam Chair, and I get the impression that the Executive is taking this matter of secrecy in the context of national security to hide a level of incompetence and potential abuse. So, what we are saying is that, if you engage the Joint Select Committee, you have an open transparent process to determine whether or not you are in compliance with the listed criteria for establishing a geographical area. And that therefore, I do not see any kind of—and to echo my colleague, in the context of good governance, I want to disabuse this approach where national security, in a matter sensitive to a significant section of this country that you eliminate the shroud of secrecy associated with that in the context of a joint select committee.

Mr. Young: Thank you very much. Madam Chair, this is dealing with an Executive decision to declare a geographic area, where the legislation says it cannot be a full country, a designated area for a specific period of time. Let us start with that.

I just heard my friend from Chaguanas West say a significant portion of the country. We have made it clear this is not dealing with any particular religion, et cetera. So, just to bring that back into context. For example, it could have been in Ireland a specific section or town in Ireland that the IRA is very active in and teaching people to make bombs, et cetera and the whole world takes a decision; people going there are only going there for one purpose. So, I do not know what he is talking about outside of terrorism itself.

But the talk about abuse, et cetera, none of this—and persons who are affected, they still have their rights to go to court and to judicially review any decision that an Executive may take to designate an area, a specific geographical area, based on evidence it may have that it may not be permitted to. Because very often in these types of matters the intelligence agencies that provide the evidence to a country are very specific. And it is on the condition that you do not broadcast the intelligence. So the behaviour as though secrecy is something new in dealing with issues of terrorism, I find a little bewildering.

But the point I want to make is there always remains protection. By allowing a negative resolution it can be brought before the Parliament and the Government would not allow it to be brought before the Parliament. By saying that persons have to come before the Joint Select Committee to make their submissions if their rights a ie. being trampled on in the declaration of an area—a geographical area—they can go to court and that is the protection that is provided.

Mr. Al-Rawi: Madam Chair, just before my learned colleagues go further. There is one very, very important point to be added to this, and it is in offering to the contribution of my learned colleague from Chaguanas West. We must bear in mind that Trinidad and Tobago does not have the kind of Official Secrets Act and legislation that other countries do. And that is a very critical linchpin to consider, because that Official Secrets Act is what guides processes for external review in other jurisdictions. This is a very important functionality that we must consider. So in causing this balance to be had, again I caution we must not take apples and compare them with oranges or watermelons. And it is that lack of official secrets legislation which concerns me deeply.

The other thing is this, national security of this type is generally driven by foreign entities providing intelligence and information. And the strictures of confidentiality imposed are very sincere. And the risk of exposure to persons who may cause harm, et cetera, to informants or to intelligence operatives is also a very critical thing to be had. So it is only in those circumstances that I ask my learned colleagues to rely upon the Statutory Instruments Committee, the fact that

the Joint Select Committee on National Security may operate itself in anyway it chooses and more importantly upon the privilege of the ability to negative the order.

Mr. Hinds: Thank you very much, Madam Chair. Madam Chair, just to follow on from the point as established by the Member for Port of Spain North/St. Ann's West. What is subject to negative resolution is the declaration by the Executive of a geographical space. And the Member of Oropouche East made the point that it would allow an individual to come before the Joint Select Committee on National Security to put his case.

This is not ad hominem law; it cannot be. This is general law for all concerned. So that if an individual is adversely affected by it the remedy has to be along the lines as espoused by the Member for Port of Spain North/St. Ann's West, rather than to come before a joint select committee and put your case. The best the Joint Select Committee could do is make recommendations to the Parliament and the Parliament could attempt to sanction the Executive, but the remedy for an individual is the right to go to court if he is adversely affected by it.

So, I agree with the Attorney General that it is not—it does not do any harm to an individual and in fact he has his rights that can be protected otherwise because what you have for negative resolution and what they want, the Opposition is proposing to be the subject of deliberations of a joint select committee of the Parliament—national security is the declaration and it is not ad hominem. It cannot be and that is the argument.

Mrs. Persad-Bissessar SC: Madam. Ad hominem and so on sounds very nice. So, I do not see the relevance of that, with the greatest of respect. I support the contributions of my colleague and I would ask the AG again: What harm is there by inserting this JSC? The point made by my colleague from Oropouche East is very, very important in terms of allowing people to come before a JSC to share their views, where it might be whole communities that are involved.

But above all, your Government has modeled a lot of this legislation from the Australian model and the wording we have put in this is identical to what is in the Australian Criminal Code 119.37. It is an identical parliamentary oversight provision. I ask again: What is the harm that can accrue? I am being told about sensitive national security matters and so on. Well, of course, we have a JSC on national security and of course there will always be those. But that should not preclude the openness and transparency that a JSC would provide for any activity that is taking place on the part of the Executive. Again, I fail to see why the

Government is concerned to have a secrecy. So please tell me what harm will be caused by inserting this provision? If you can convince us that the harm is sufficient to outweigh the benefits that may come, well we may well change our minds.

Mr. Al-Rawi: Yes Madam Chair. My learned colleague has referred to the Australian model and my learned colleague is correct. But the Australian circumstance is dramatically different from that in which this Bill is intended to operate in our laws. We do not have sequestration of evidence. We do not have non-disclosure provisions. We do not have extensions of detention and sentences. We do not have the official secrets laws that Australia has. We do not have the severe criminalization that they have. It was for that reason that they have reviewers, et cetera. For us to compare a standard without looking at the substrata from which that standard comes is a very dangerous thing. And I have taken extreme care to point that out because the adverse inferences on remaining silent, et cetera. None of that prevails in our jurisdiction. It is the exact opposite.

In fact, I dare say it is a very hard climb for a prosecutor in this country to secure a conviction because of the manner in which our evidence laws operate. And in fact we proposed in the Joint Select Committee consideration of the type of evidence amendments that we perhaps as a country need to consider. But we decided, at least in our discussions that that should be the subject of separate law. We did not want to conflate the two. So, the rationale for caution is in the round as I have just described it.

The mischief is—what could the harm be that my learned colleague is asking. The harm is that we do not have the substrata protections that the other jurisdictions have and it is only in those circumstances that we recommend reliance on the negative resolution process. In any event I am able to say, confidently, that the National Security Joint Select Committee can still do what it wishes. So there is nothing that can cause that otherwise but in any event as my learned colleague for Laventille West puts it, at best what one can have is a censure because it is always going to be the case that the National Security Committee would have a majority of Government members by any Government. That is just the way our Parliament is constructed. The correct remedy, as the Member for Port of Spain North/St. Ann's West put, is really to be found in our courts. But the ventilation is to be found in the negative resolution.

Mr. Padarath: Thank you, Madam Chair. Hon. Attorney General, I get from you that you are not necessarily opposed directly with respect to the JSC, but really you are more concerned with the process of getting there. Could you say

in—with respect to considering the use of the courts, now in that system the law does not recognize its use of religion, et cetera. It deals purely with the law, and in those circumstances with respect of other jurisdictions that have set up this JSC, the main purpose for that was to bring forward persons who would not have recourse before the law through the courts. Can you address some of those issues in terms of how do you think that that would work in the circumstances of a plural society like Trinidad and Tobago?

Mr. Young: If I may contribute here again. Again I am hearing the reference to religion here, and I do not understand how that is entering the debate. This is to deal with terrorism and it is very, very wrong and I do not blame my friend from Princes Town, because he is not an attorney. He does not practice in the courts. But it is very wrong to say that the courts would not consider if somebody had an issue saying they were being persecuted on the basis of their religion. That would be the evidence that you would squarely put before the courts and then apply the Constitution to what the court would rule on it.

So to say that you cannot raise religion in a court is not true. I mean, recently there is a case with—I think somebody wearing a hijab and someone preventing them from being an OJT or something like that. That is squarely before the court. The burqa case, et cetera. So to say the court system prevents anybody and especially on the basis of religious persecution, as I understand that to be your concern that someone will have an argument, I am being persecuted against because of my religion. I want to go somewhere because of my religion I must go there. The court system is very, very open and is designed to protect that.

As my friend for Laventille West said, a joint select committee in Parliament cannot offer any protection to anybody the way a court can. What can we decide in a joint select committee in Parliament? We can say well we do not think this is an appropriate way for the Executive to go whereas a court will rule directly on it. So, I do not think that is correct.

Just to touch on the Australian system because it is something we have looked at, and I was fortunate to have discussions with them recently, about a month ago. I would be thrilled if all of you all on the other side would say bring the Australian legislation here and we adopt it wholesale. Because the type of powers that they have given the authorities there, when a person who has been sentenced for terrorism, their sentence ends the police can go to court in an ex parte application and say we believe this person continues to be threat and extend it, so I am just saying—

Mrs. Persad-Bissessar SC: Minister, may I? You did not bring those other parts of it. We have not—let me talk—

Mr. Young: No, no. You referred to it—

Madam Chairman: One at a time.

Mrs. Persad-Bissessar SC: Thank you.

Mr. Young: So I am referring to it as well. You are the one, hon. Member for Siparia, you are the one—allow me to speak. You are the one who said that you have seen and you have looked at Australia, et cetera. I am just saying, as the Attorney General, you have to put things in context. So what you may have picked up about a joint select committee it if that is so it being utilized in Australia is because as the Attorney General said, it is a massive broad spectrum of very draconian provisions, not what we are dealing with here which is simply the declaration of a specific area being a geographical area that someone needs permission to go to.

Mr. Singh: Thank you, Madam Chairman. I regard this—this provision submitted by the hon. Leader of the Opposition as merely a part of the continuous stream. When we established section 66A in the Constitution, joint select committees, it was part of opening up the process of governance in the country. And that therefore, this is consistent with that, the terrorism and counterterrorism, the principle issues of the 21st Century in the current climate and will continue to be like that. So that therefore, this is legislation dealing with that. So, it is better that we err on the side of openness rather than err on the side of non-disclosure of these things. And that therefore, I regard this as merely as part of oversight and scrutiny of Executive action. And therefore, it ought to be recommended to the House.

Mr. Hinds: Madam Chairman, I just want to commend for the Member for Siparia to observe two things as it relates to the Australian context which she raised—which the Member raised. There is no offence in 15B, you would notice from your reading of it. There is no offence. It really sets up for presumption of a certain course of conduct. There is not offence. In the Australian context it is a criminal offence; therein lies the difference. [*Interruption*] Yes. The first offence that this section 15 throws up is in 15D(5) so that in respect of 15B there is no offence. It merely sets up a presumption in contra-distinction to the Australian model where there is a criminal offence for going to a declared area, here we have no such thing.

Mr. Al-Rawi: You see, Madam Chair, yes, the criminalization of travel was a live issue for the Government. We specifically felt that it would be very dangerous to criminalize and all that we did in the round of the new section 15 is to do two things; one, compel the fact that you must give notice if you have been to a particular area. You must give that notice either before you went, while you are there or when you came back and we have provided loads of exceptions: if you had a lawful excuse that you could not do it, it was unreasonable that it should be done, et cetera; exculpation. The second thing that we did was to provide for the first time a benefit which none of our Muslims in particular in Trinidad could enjoy. Many of our Muslims were being mischaracterized as supporting terrorism through their financing by the facilitation of their zakat to entities, and for the first time we have an ability to tell a foreign entity you have got the wrong man. We have a reason. It has been declared. This person has been up front with us, go and look somewhere else not by our citizen. And this is something that our Muslim community in particular has been holding on to as a terrible burden. So in this particular context, it is very difficult to take the recommendations. My learned colleague for Chaguanas West raised a very important point, which we also discussed. That is the utilization of the PAC and PA(E)C, under section 66 of the Constitution where we will refer matters of a financial nature there. But I come back to the lack of official secrets. I come back to a very different environment and this is a matter of very sensitive national security.

And the last point I will make is, if you look to the Standing Orders as to what the National Security Joint Select Committee does, it is very clear, it has a broad ambit which can treat with certain workings, et cetera. So there are many bites at this cherry. One, informing the Leader of the Opposition. Two, negative resolution. Three, nothing prevents the Joint Select Committee having a view of certain aspects. Four, the statutory Instruments Committee prevails. Five, we are not operating under the construct of this being a criminalized matter, if you travel you are guilty. It is a presumptive aspect, so we are not comparing apples with apples.

4.00 p.m.

Madam Chairman: So, I will take in this order: Oropouche East, Princes Town, Member for Siparia and then, AG, you may wish to wrap up on anything.

Dr. Moonilal: Thank you very much. Madam, just three short points really. The first is, I think for the record, we should just confront this issue of secrecy and the importance of confidential intelligence information and so on. I think

there can be no disagreement that in this matter, it may involve issues of confidentiality, intelligence gathering and so on, which must always be protected, and this is why the amendment is so worded that the National Security Committee may review a declaration. It is not compelling the National Security Committee to review, it may.

Now, all select committees, joint or otherwise would always have, as the Attorney General said, a built-in majority of Government Members, and if it is the view of the Government and/or the Executive, that a particular declaration ought not to be aired at the Joint Select Committee on National Security because of the sensitivity of international intelligence gathered and so on, the Joint Select Committee has the Government in a majority and would decide not to entertain a review. So the issue of secrecy, to me, does not arise in that context, it will always be protected.

The second level of secrecy is that you may have the Joint Select Committee on National Security meeting. They may meet in camera, behind closed doors, where certain type of information may come out. We have enormous examples of that over the year. And, for the record, I want to place my objection to this approach of the Government and others, but the Government, that when persons or entities or communities face a problem where they believe that their rights are being violated in one way or another, they may not have the evidence, they may not have proof of it, but it is their perception that they are being victimized and so on.

This approach of “take it to court, take it to court, take it to court”, it is to me not the best approach. That involves lawyers, legal fees and it involves time. These things could take 12 years before you reach to court for a trial to determine something, whereas those persons or entities may find their way to a joint select committee, air their views, and they may well be wrong but, at least, they would clarify and it would bring a better level of governance than depending—the court is there as a final arbiter. The court ought not to be a first arbiter in dealing with the grievances of citizens. I think the Parliament ought to do that.

And, finally, my third point to end, whereas the Member for Port of Spain North/St. Ann’s West, in response to the Member for Princes Town, raised the issue this is not about religion and so on, it is interesting the Attorney General, in his examples, talked about how this protects the Islamic community from their practices. So whether we like it or not, it may sound nice that this is for all religions and this is for all people and that is fine, it is, but there can be no doubt that a particular community has been affected or perceived themselves to be

affected, because why are we changing all the Islamic words in the beginning for—if this concerns all religions and so on? We must be careful of the sensitivity in the matter. So that yes, we deliberately took steps to ensure that no community feels aggrieved but, clearly, we must be clear, as you are, I think, that one community as opposed to another would have a different level of perception and grievance, and this I think is understandable. Thank you.

Madam Chairman: Okay. Member for Princes Town.

Mr. Padarath: Thank you, Madam Chair. A follow-up comment made by the Member for Oropouche East in response to the Member for Port of Spain North/ St. Ann's West. I think really the contribution in response to the point I was trying to make raised by the Member for Port of Spain North/St. Ann's West, really does not reflect the broad base in which this particular issue must be addressed. The hon. Member really spoke to the issues in silos, and I will make reference with this, Madam. In terms of, if we are looking at the use of the courts to address these issues, first we must meet the legal threshold under the Act and again, there are so many loopholes that do not constitute if it does not meet the threshold in terms of the Act.

Mr. Al-Rawi: Sorry, which Act? The Member was referring to the Judicial Review Act. Is that what you are referring to?

Mr. Padarath: No, I am talking about the—

Mr. Al-Rawi: Anti-terrorism?

Mr. Padarath: Yes, the anti-terrorism. [*Crosstalk*]

Madam Chairman: What I have said is, AG—

Mr. Al-Rawi: Yes, please. I apologize.

Madam Chairman: I would allow all the speakers and then you can deal with everything in a blanket. Member for Princes Town, please continue.

Mr. Padarath: That was really the point I wanted to make in terms of a follow-up to the Member for Oropouche East. It cannot happen just in silos, and that is why we see the purpose of wanting the JSC.

Madam Chairman: Member for Siparia.

Mrs. Persad-Bissessar SC: Thank you, Madam. The point about whether you are criminalizing it or not is true to a certain extent, but there is a presumption. You are presumed that you are a foreign terrorist fighter. We could

find that in sections 15B, 10 and 11 which say:

“A Trinidad and Tobago citizen or a person resident in Trinidad and Tobago who travels to, enters or remains in a declared geographical area shall be presumed to have travelled for a purpose specified in section 15A(1)”

Presumed to have committed a terrorist act basically. And then you have 11:

“The presumption under subsection (4) shall not apply to—

(a) a person who has given notice...”

So you now have the notice provisions but, again, whilst you would not be locked up in the sense for a particular created criminal offence, if you are presumed to be a terrorist fighter, you are presumed, it places a person under a burden to clear themselves or not clear themselves, to go through a process. So there is an adverse effect on a person who should find themselves in this kind of circumstance. So I hear you about the offence, but there is a presumption that you are a terrorist fighter, and that in itself has serious adverse effects on any individual person.

The second point I would like to make is that this is not just about breaching the rights of people, and there is a large percentage of the population, I think about 12 per cent of our population of Trinidad and Tobago—the last CSO statistics—is about 12 per cent are of the Muslim faith. So that percentage of our population may find themselves outside whatever parameters you have set here—go somewhere, come back—and is presumed to be a terrorist fighter. That is my first concern and, therefore, I agree with my colleagues and, especially, the Member for Oropouche East, about trying to protect 12 per cent of our population who may be circumstanced in an adverse manner from your provisions.

The second thing, it is not only just about rights of citizens in my submission. There is also something that has—[*Crosstalk*]

Madam Chairman: Member for Siparia.

Mrs. Persad-Bissessar SC: Well, I see the AG is busy.

Mr. Al-Rawi: No, no. I am listening to you.

Mrs. Persad-Bissessar SC: You can multitask, I see. The other issue has to do with, it is not simply an issue of the breaches of rights. Assuming not admitting the explanations you have given, there is also the whole issue of foreign affairs, where a Minister of Government of our country declares a part of somebody else’s country, one of these zones and, therefore, that impact it could

have on foreign relations with other countries. I mean, right now our foreign relations with Venezuela, you have two sides to that story. You have a lot of things that are happening.

In the same way, you designate somebody else's country, a part of it or whatever into this kind of area, which is saying now you are presumed to be a terrorist fighter once you have been there, it places, you know. There must be a burden, a responsibility on the part of the Government to be called to check. So those persons cannot come and go to court here. Our foreign relations can be affected. So I have designated a part of Iraq; I have designated a part of Saudi—wherever it may be—here in Trinidad, placing our citizens in a certain kind of circumstance. And the foreign country says, "Well no, that is not so. It is not true." [*Crosstalk*] I am being disturbed, Madam. And so, Madam, we make a plea again for this particular amendment to be accepted. We leave it in the hands of the Government at this time.

Madam Chairman: Attorney General, I would just ask you to hold for a while, let me just take the Member for Chaguanas East.

Mr. Karim: Thank you, Madam Chairman. Madam Chairman, I just would like, since the Attorney General indicated that this was a part of the discussions with the Muslim community, I want to indicate that the stakeholders of the Muslim community did, in fact, commend you—many of them were here on the occasion when we started this debate—for the manner in which you were open to them, and you accepted their contributions. To do anything else would appear to the members of the Muslim community to be contrary to the spirit of the openness in which you accepted their contribution.

Let me also say, and you would know the word very well which I am going to use, that the whole concept of this aspect of what we discussing now is what is called shura or consultation and, therefore, the members of the Muslim community, in this context, will be more akin and better. They will feel a sense of warmth and reception to come and give you their views as opposed to going to court, which may imply to the members of their Jamaat or to the Ummah, the body of Islam, that there is something to prove for which they are not really liable.

Madam Chairman: All right. I would entertain the Member for Baratania/San Juan and then I would call on the AG.

Dr. Khan: Thank you, Madam Chairman. Hon. Attorney General, I want you to just think about this, this sub clause is indicating that the Joint Select

Committee on National Security “may” review, not “shall” review. So what I am saying, it gives the approach to a rapid movement rather than a court order. Court cases last a very long time. So I am agreeing with the Leader of the Opposition, I think maybe if you look at it in light of “may” review rather than “shall” review, it may or may not happen. So I see no harm in this clause.

Madam Chairman: Member for Diego Martin West.

Dr. Rowley: Thank you. Madam Chairman. Madam Chairman, I just want to, for the record, respond to the Member for Siparia, who has what appears to be an emotive concern, and the Member is pressing this point on the grounds that it could harm persons who would have gone to somewhere as a result of their community’s urgings or whatever and come back and find that they have run afoul of the law, and they are deemed to be a terrorist because they went to somewhere that they did not know. Madam Chair, that runs counter to the letter, not even the spirit, the letter of what we are trying to do here, because for that to happen it means that the areas that were deemed to be prohibited would have been done in secret, and some person could have gone to that place in that country and not know that there was a designation that that zone was deemed to be an area of conflict, something like that. That is not what the law is saying.

So there is no chance of anybody travelling on vacation somewhere or going on a religious pilgrim somewhere and come back and find that they are now deemed to be a terrorist because they went there. That is quite misleading and that is the kind of conversation that is causing the disquiet in our national community, because people are twisting what is in the law.

The law says that if a place is designated and that means it would be designated in public and, therefore, no person can go somewhere and come back and say, “I am being charged for going to a place that I did not know was a place that I should not go.” And if you did go there, there are provisions to determine if you went there innocently or for good reason. The law makes provision for that. So this concern, this concern that is being raised here, Madam Chair, has no merit at all because that is not provided for under the law.

And, secondly, arguing that you are protecting the 10 per cent, 12 per cent of the population, the Government is protecting 100 per cent of the population which includes that 12 per cent, and I would like that to be on the record.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Madam Chair, I thank my learned colleagues and my colleagues on my Bench for the fulminations, and if you would permit me to

address the issues raised in summary, perhaps I should do this as one must in every debate, I declare my interest. I am entitled to Iraqi citizenship, as I am a Trinidadian citizen and, in fact, the people most at risk of the application of this law are mostly the Christian Arabs in Trinidad and the Muslim Arabs in Trinidad who have to travel to see family as I do. That is a fact.

The risk to the Muslim community as this is being portrayed is, perhaps, a little bit under that, and I want to be absolutely clear. I notice that we are skewing this debate towards Islam, and that is a very dangerous thing, because this Bill is to treat with terrorism.

Secondly, my learned colleague, the Member for Oropouche East said something which was very true. We removed the Arabic references specifically to move away from the perspective that this thing could be treating with Islam, even though I personally feel that the use of the word “ISIS” could only ever mean a terrorist organization, the same way we use the expression “Nazi” to mean the Nazi empire that prevailed in its atrocities as it did. I could never associate—or Ku Klux Klan. I could never say that ISIS referred to by the UN is in reference to Muslims. That could never be the case.

Madam Chair, the hon. Prime Minister was correct. This law is designed, specifically, to protect 100 per cent of our citizens, all of them. There are acts of terrorism in South America. If we looked to La FARC as it exists between Colombia and Venezuela, we just had a massacre of 12 people off the coast of Guyana where FARC is operating. So this is much more than just Islam.

Madam Chair, in answer to my learned colleague, the Member for Princes Town, I could not understand the reference to the legal threshold under this Act, in terms of somebody who is affected by the law. The right which my learned colleague, the Member for Port of Spain North/St. Ann’s West was referring to, was under judicial review, and that is a very low threshold, I should add, because the leave to get judicial review is on a bare minimum threshold level.

In any event, the point is, all that this positioning is going to do is back to what is the existing position. If you look to the Standing Orders, and you look to our Parliament’s practice, nothing pre-empts the National Security Council from doing whatever it wants to do. However, prescribing it positively runs afoul of the issue of the Statutory Instruments Committee and, secondly, puts in a mandatory concern, because “may” can always mean “shall”. It puts in a mandatory concern which is troubling from a national security perspective, in the compellability of witnesses.

And where you are relying upon foreign entities and your local entities in respect of their surveillance and information, we cannot risk exposing persons to that. Public accounts is very different from national security. We are talking about lives in this arena, and it is in those circumstances that the Government, in an effort to protect 100 per cent of its citizenry, has to err on the side of caution.

This declaration of the zone of the country, of a part of a country, is done publicly. When it is done publicly, it is done before it is made by informing the Leader of the Opposition. There is the ability for the Order to be subjected to negative resolution in the Parliament in an open and full parliamentary debate, but in that process we are not compelling witnesses to attend, and that is the danger that we must focus upon. This is national security and lives, Madam Chair.

Furthermore, anybody caught under the prescription of section 15 as this is proposed, there is a presumption and that presumption is discharged by lawful excuse—"I did not know while I was in Syria that you had declared Raqqa, which is part of Syria, and I went to visit my cousin. I came back, I found out, I am telling you now." There is no criminality associated with that.

This predilection, this leaning towards saying that we are treating with Muslims is very dangerous. The Government is protecting the Muslim community, the Christian community and the Hindu community, but we are specifically providing a benefit which never existed for our Muslim brothers and sisters, in having the ability to tell foreign entities that mischaracterized their contributions that they have got the wrong people.

In all of those circumstances, it is with utmost respect that I respectfully cannot accept the recommendation of my learned colleagues, though I understand the spirit in which they have offered it.

Madam Chairman: All right. So that the question is, that clause 22 be amended as follows: in terms of amendment (1), as proposed by the Government and amendment (1) as proposed by the Opposition.

Question, on amendments, [Mr. F. Al-Rawi and Mrs. K. Persad-Bissessar SC] put and agreed to.

Madam Chairman: In terms of amendment (2), as proposed by the Government. [*Crosstalk*] Okay. All right. We just voted on clause 22(a) under the Government's list, and (a) under the Opposition's list which are both the same.

Mrs. Persad-Bissessar SC: Agreed.

Madam Chairman: We are now putting the question as regards to (b) under clause 22 on the Government's list. Okay?

Mr. Al-Rawi: Which is the 30-day prescription period for the children.

Madam Chairman: All right. The question is that clause 22 be amended as follows: in terms of amendment (2) as proposed by the Government.

Question, on amendment, [Mr. F. Al-Rawi] put and agreed to.

Madam Chairman: In terms of amendment (2) as proposed by the Opposition which relates to the Joint Select Committee on National Security, the question is that 22 be amended as follows: in terms of amendment (2) as proposed by the Opposition.

Question put.

Hon. Member: Division.

Madam Chairman: Take a division on this please.

The Committee divided: Ayes 18 Noes 21

AYES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Ramadhhar, P.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Ms. R.

Singh, G.

NOES

Al-Rawi, F.

Rowley, Dr. K.

Young, S.

Imbert, C.

Deyalsingh, T.

Forde, E.

Hinds, F.

Mitchell, R.

Cudjoe, Ms. S.

Garcia, A.

Crichlow-Cockburn, Mrs. C.

Robinson-Regis, Mrs. C.

Dillon, Maj. Gen. E.

Webster-Roy, Mrs. A.

Gadsby-Dolly, Dr. N.

Francis, Dr. L.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Smith, D.

Jennings-Smith, Mrs. G.

Amendment, [Mrs. K. Persad-Bissessar SC] negatived.

Question put and agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Mr. Al-Rawi: Madam Chair, may I just remind that I have been referring straight through to the report of the Bill which came from the committee, which is different from the Bill itself, because it is that proposed amended Bill which we just dealt with at the report stage. So, for the record, the amendments that I have been proposing are in relation to that which was proposed to be the amendments coming from the committee. Specifically, that is contained in what is referred to as list No. 1 of our amendments in the report, and that is to be found at page 357, if I am not mistaken.

So, the Government's amendments are technically list No. 1, which is at page 357 which is the list which the committee agreed to unanimously and list No. 2 which is what we are now discussing. So, perhaps, if we were to take the break whenever the break comes, if we could just ensure that we are literally on the same page, because the amendments that the Government is referring to must include list No. 1 and list No. 2.

Mrs. Persad-Bissessar SC: Madam, if I may. We shared some words across the floor. It is our respectful view that what we have been doing is not the correct process. So that if we take the break, when you decide, the hon. Attorney General will share with you what we have discussed, because we have to put each of the amendments in the list of amendments. Page 357, you will note it says, "List of amendments to be moved...by the Attorney General..." in the House. We have not moved any of those, Madam.

Mr. Al-Rawi: So what we have done is part one.

Mrs. Persad-Bissessar SC: Can we agree that we will revert backwards when we reach to ensure we cover all these? We are at clause 22 now, you see.

4.30 p.m.

Madam Chairman: Okay. So when we resume after the suspension we will go back to list one.

Mr. Al-Rawi: Yes, because we have only done half so far. So we are dealing with list two. If you notice, Madam Chair, you will see on the list circulated that we have been discussing, at the top right-hand corner you will see "29 June, 2018, list number two". So just reminding you that we do need to deal with list number one, and the Member for Siparia and I are on equal page as it comes to this.

Madam Chairman: All right. So would now be a convenient time to take the suspension?

Mr. Al-Rawi: Should it please you.

Madam Chairman: All right. So this sitting of the Committee is now suspended to five o'clock.

4.31 p.m.: *Committee suspended.*

5.02 p.m.: *Committee resumed.*

Madam Chairman: The Committee is now resumed.

Clauses 23 to 25.

Question proposed: That clauses 23 to 25 stand part of the Bill.

Mr. Al-Rawi: I am sorry, Madam Chair, may I, for the record, treat with the observations just before we left? Madam Chair, I have had a chance to look at the Report of the JSC on Anti-Terrorism in specific regard to the language at page 12. The recommendation which was debated and therefore stands is that the Committee—page 12 of the JSC report:

“Your Committee recommends that the Parliament agree with its proposals for amendments to the Bill, attached at Appendix VIII. Your Committee further recommends that the Parliament consider and adopt the Anti-Terrorism (Amdt.) Bill, 2018, as amended.”

In those circumstances, and for the record, the Bill which was put for second reading is the Bill which was amended by the Joint Select Committee and which was presented to this House in the context of the circulated and adopted report of the JSC; that Motion was carried.

So, for the record, the only amendments that are germane for consideration are those which we have considered already and which we are proceeding to consider. I just wanted, for the benefit of the record, to put to bed that issue as to whether we ought to revert to any business. It is pellucidly clear, having reflected upon the report that we are treating with, the Bill which came from the JSC that was amended, it was that Bill which was put for second reading, and which we are now discussing. Thank you, Ma'am.

Madam Chairman: Thank you, Attorney General. For the benefit of Members, I think this is all that is before this Committee for consideration, okay? So we proceed.

Question put and agreed to.

Clauses 23 to 25 ordered to stand part of the Bill.

Clause 26.

Question proposed: That clause 26 stand part of the Bill.

Madam Chairman: Attorney General.

In paragraph (b)(i), in proposed paragraph (d), insert after the words “General with”, the word “the relevant”.

Mr. Al-Rawi: Madam Chair, both the Government and the Opposition have circulated amendments, proposed amendments to clause 26 of the Bill. Clause 26 of the Bill, Madam Chair, treats with the section 22AA of the parent Act, and section 22AA is the section which treats with the FIU and the powers which the FIU have, and the manner in which they ought to be governed. The Government proposes that this particular clause be amended such that we adjust the language appearing at 22AA, subsection (2)(d), by circumscribing the type of information which the FIU will give to the Attorney General and harmonize it with the approach agreed by the Joint Select Committee that that information only be the relevant information. I should remind that the purpose of this information, the power which the FIU is exercising under 22AA is to facilitate listings by the Attorney General under section 22B of the parent Act and section 37. Section 22B is where you do the listing of entities, designated entities and individuals, and 37 is where you treat with the forfeiture provisions. So, we are proposing the language as circulated here so that we can be sure that the FIU treats only with the information that it ought to give. I remind that this is built upon the formula of the existing law, in particular section 25(3), section 32, section 33, and section 37 of the existing Act as it has stood law from the period 2005 to 2010; 2010 where there was an amendment, straight through to today’s date, this has been the existing law. It is in those circumstances, therefore, that we propose the amendment to clause 26 as circulated.

Madam Chairman: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Chair. We have some amendments to clause 26, where we are asking—in clause 26, section 22AA, we would like to delete the proposed subsection (d) and substitute it with a new subsection, and I quote—our new subsection would be:

Furnishing the Director of Public Prosecutions with information required to facilitate an application under section 22B where a designated entity has funds in Trinidad and Tobago.

Madam Chairman: Okay. All right. So, both amendments deal with that subparagraph (d), yes? Attorney General?

Mr. Al-Rawi: Yes, Madam Chair, thank you. I wish to put onto the record the reply to the proposals coming from the Member for Siparia as articulated by the Member for Pointe-a-Pierre. In the amendment proposed by the Opposition, the request is that the FIU furnish the Director of Public Prosecutions with information required to facilitate an application under 22B. Let us start with what 22B is; 22B, which comes under Part IIIA of the parent Act, “Financing of Terrorism”, that law was introduced in 2010. In 2010, we saw the beefing up of this particular provision of the FIU. The law stood in 2005. It was improved in 2010. The listing for terrorism has been the law. From 2005 to 2018, the law has been that the Attorney General is the creature in law to do listings; 2005 to 2018 the Attorney General has been the creature.

The Constitution of the Republic of Trinidad and Tobago at section 76(2) prescribes the Attorney General to be the entity that conducts civil litigation. This is civil litigation. To now suggest that the DPP should be the person who is to receive information to facilitate an application under 22 is to completely and totally, and inexplicably reverse the law: 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018; fourteen years of law on the back of this amendment. The DPP does not have the constitutional authority to conduct civil litigation. That is not the DPP’s function under section 90 of the Constitution. The DPP has no involvement in civil listings, and I cannot, in those circumstances, support the recommendation of my learned colleagues.

Madam Chairman: Member for Oropouche East.

Dr. Moonilal: Thank you very much. To the Attorney General, again I just want to raise this matter that—the issue here, as you well imagine, is beyond this amendment; it is a much deeper issue here, and to recall that this issue was raised in the Joint Select Committee as well. It was raised there by all three Members representing the Opposition. I recall raising this issue and speaking to a development that we saw taking place across the board where there was a certain blurring of the line between civil and criminal, and I said on the record in those meetings that we were very concerned with the—I use the term encroachment, but certainly not to mean you, but the encroachment of the Attorney General outside of a defined parameter of civil proceedings in that, yes, proceedings may be civil, they may be involving the High Court civil matters, but in the build-up to that, and in processes and sub-processes, and so on, dealing with these civil proceedings, there are issues of information coming to the attention of the Attorney General, information which could lead to criminal prosecutions, information which could be used, information which could be abused.

In our political system, as you know, as you recognize, the Attorney General is in a different role than that in other jurisdictions, and even in other commonwealth jurisdictions as well, and certainly is not the same political structure, and so on, as the United States of America. And the concern, I think, that the Opposition Leader is sharing here—not only with this amendment, it is throughout—is that there is a request for the Attorney General to reconsider this approach and to have another officeholder undertake the work, insofar as it relates to the gathering of information, having sight of information that can or may be used, not only for a civil order, but for criminal prosecution as well. I think that is the deep concern that the Opposition shares now. It was a matter raised in the Joint Select Committee. I repeat, that the authority to receive information that can lead to criminal prosecutions, and so on, ought to be the Commissioner of Police or the Director of Public Prosecutions, and the Attorney General in our system ought not to be privy, ought not to have sight, ought not to be involved in handling, in any way, information that can be used or can be abused when one serves also as a politician in a contentious, political environment particularly. And that is why I believe that the amendment to 26, we speak about replacing the Attorney General with the Director of Public Prosecutions—

...with information required to facilitate an application under 22B, pursuant to that where a designated entity has funds in Trinidad and Tobago.

And that is the thinking behind it. I think you gave some type of explanation, I believe, in the winding up, but it is something that we require; it is something we are strong about. It was raised before, and now it is in this format that the Attorney General in our system ought not to be crossing that line, particularly as it relates to receiving information from the entities we are dealing with here, the FIU, or other entities as well, that can be abused, that can be misused, that can be the source of some, you know, political machinations, and I think I will leave it at that for now.

Madam Chairman: Member for Chaguanas West.

Mr. Singh: Thank you, Madam Chair. The Attorney General in his response indicated that this is the way the law has been for several years, but I want to point out to him, Madam Chair, that when you look at the existing 22AA(d), the FIU was confined to merely:

“furnishing the Attorney General with information required to facilitate an application under section 22B, where a designated entity has funds in Trinidad and Tobago;”

So now you move to an amendment, you remove that, and you are saying now you are:

“furnishing the Attorney General with information required to facilitate an application under section 22B and section 37 spontaneously or upon request;”

So the Attorney General in this situation, allows the Attorney General merely to make a request from the FIU and get the information, or the FIU, spontaneously—I do not know if that is a proper legal approach, spontaneity in this environment for the provision of information, but I think that it raises another issue. In a matter dealing with counter-terrorism whether it is not appropriate to insulate the Office of the Attorney General and really have the established office of the DPP, and this is what the amendment by the hon. Leader of the Opposition speaks to, that you have an independent insulated body, that is the DPP, dealing with matters of this nature. So that in the current situation that the Attorney General is asking us to support, there are no preconditions in which the AG has to satisfy the FIU prior to requesting information. As soon as the AG requests information, the FIU has to comply and then pass the information on to the AG.

Now, I am taking an approach, Madam Chairman, that there is a presumption of regularity in the acts of public officials. So I am not casting any aspersions in the Office of the AG, but I think this approach really, in the context of counter-terrorism measures, places the Office of the Attorney General in an invidious position. Too much power is being vested into the hands of the AG without any mechanisms for accountability on the use of his powers. So I think that at a philosophical level—and this was done by one of the Muslim organizations when they presented before the Committee, from my reading, they went into the whole question of the separation of powers, and they gave a whole history reflective of that. I think it is Criston Williams, and that grouping.

Hon. Member: Concern Muslims.

Mr. Singh: Concern Muslims. So, Madam Chair, we feel that in the context of the society, the sensitivities associated with that, that the amendment proffered by the Leader of the Opposition is a better approach than one where we vest this significant increase of powers in the hands of the Attorney General.

Madam Chairman: Member for Siparia.

Mrs. Persad-Bissessar SC: Thank you, Madam Chairman. There are two aspects; my colleagues have raised one part of it, so I need not repeat those

arguments, but there is a further aspect to this particular amendment. What the Government is proposing is to delete the following words:

“furnishing the Attorney General”—

This is the FIU.

“furnishing the Attorney General with information required to facilitate an application under section 22B and section 37 spontaneously...”

And I am not sure what that means.

“or upon request;”

This is what we are being asked to agree to. What was the existing law is the FIU:

“furnishing the Attorney General with information required to facilitate an application under section 22B,...”

And these are the instructive words:

“where a designated entity has funds in Trinidad and Tobago;”

So there are two things happening, one, the AG was getting the information but not on request, for the FIU to furnish them, to make application under 22B where a designated entity—we have now removed “designated entity” in the Government’s amendment, so that means it is not only the foreign designations, it is that any person in Trinidad and Tobago will now fall within this proposed amendment. It means that, spontaneously—and I will be happy to get an explanation of what does “spontaneously” mean—that they should go to the AG, because right now where the FIU finds suspicious transactions, and so on, these are referred to the FIB, the Financial Investigative Bureau which is under the TTPS; they go there. Why are we now wanting to give such kinds of information to the AG, one? And why are we extending this now, not to just designated ones, but to anybody?

So I may get up one morning—not this AG, it may be another AG, any AG getting this kind of power could get up and say, “I do not like the Member for Laventille West”, and ask the FIU to please, forward me information because I want to make an application under 22, and which was the other one, 37; I want to make those applications. So it is a sharp instrument being used for a political appointee to obtain information about every person’s private business. And this is why we are suggesting, should you want to have such a power, the designated

competent officer should be the Director of Public Prosecutions, who has an insulated role and a more independent role. Some may say, well, the DPP is also biased, or the Commissioner of Police is biased, and so on, but that is the insulated office.

On the argument about civil versus criminal, and so on, I fail to see the distinction because when you look at what these procedures are going to be about, they are for you to go eventually to exercise—to charge criminal. You are not just going to get this information, you are going to say this person has committed a criminal act so I am going under 22B to freeze and to list you as a terrorist; that cannot be civil. It cannot be. These are things that would lead to criminal charges. And already we have the DPP in roles such as these in other jurisdictions which are very similar to ours, that would be Antigua, Barbados, Jamaica, St. Lucia. Those points become more relevant when we come to 26, to the next clause 27, and 28, but it impacts on why we are suggesting the DPP being inserted at this stage as well.

So here we are, an Attorney General at large, being given a power to request information on any person. That is a very dangerous provision, whether it is this AG, this Government, another AG or another Government, if we pass the law for anyone we are making a provision here that can be totally abused for reasons that are not justifiable, for nefarious reasons; we are giving these kinds of powers, they can be abused in a manner against a citizen. So, an Attorney General—it may not be the one from San Fernando West—he might decide that the Member for Diego Martin North/East, “I want him out of this business you know, because he looks like he is really going to be the next Prime Minister”. He already has acted, how many times?—20 times. [*Crosstalk*]

Hon. Member: Hungry for power.

Mrs. Persad-Bissessar SC: Yes. And, therefore, the hon. Attorney General, any Attorney General may say, “I want all that person’s information, Diego Martin North/East, I want all of it”; the potential for abuse is tremendous. So first, you widen the remit. If you want to keep it as the existing law, you keep it for designated entities. You do not have it then for persons from Trinidad and Tobago, the designated ones from abroad where they have a different kind of process. And this provision—and we will come to the other two after, 27, 28—you know, it is like we are creating a Department of Justice and Homeland Security all in one person, in one office; Madam, we have serious objections. The other clauses we have raised amendments are accepted, and so on, but these three, coming down with the insertion of “the Attorney General”, in these ways with

these powerful powers, powerful powers but dangerous powers, we have very, very serious objections. [*Desk thumping*]

5.25 p.m.

Madam Chairman: Member Port of Spain North/St. Ann's west.

Mr. Young: Thank you very much, Madam Chair. Madam Chair, I think it is necessary to bring this all back into context. First of all as every lawyer would know and as I am sure the Member for Siparia would know as well, the supreme law is the Constitution. The Constitution states as the Attorney General has said at 76(2):

“The Attorney General shall, subject to section 79, be responsible for the administration of legal affairs in Trinidad and Tobago and legal proceedings for and against the State shall be taken—

(a) in the case of civil proceedings,...

—which we are talking about—

“...in the name of the Attorney General;”

So the first point is the supreme law has placed that responsibility solely, squarely and only in the office of Attorney General; civil proceedings and that is what we are discussing here, it is all about civil proceedings here.

The next point to be made is that when the Attorney General also plays an international quasi role in the mutual legal assistance matters and is the Central Authority. This is where all sovereign States that we have international treaties with, with any criminal enquiries, et cetera, that they need to make for the purposes of evidence, they go straight to the Attorney General, in a process similar to this.

And then another point that seems to be escaping is, all that is required in Trinidad and Tobago to form a Cabinet is a Prime Minister and an Attorney General. So when the Constitution and the framers of the Constitution and all of us have abided by the Constitution up to this point, see that this is such an important office and so much responsibility resides in this office, and let us add as well, Madam Chairman, the common law that places the burden on the Attorney General of protecting the public interest and the public's rights. There is no other office, I respectfully submit, that can carry this out, it is not for the Director of Public Prosecutions.

In fact, to put the Director of Public Prosecutions there, you are putting him into a potential conflict situation because ultimately the Director of Public Prosecutions is the person who is going to be charged with the responsibility to prosecute criminal matters, and that is why it is framed this way that he stays out of civil matters.

Madam Chairman: All right. Attorney General and then I will take the Member for St. Augustine.

Mr. Al-Rawi: Thank you, Madam Chair. I thank my learned colleague the Member for Port of Spain North/St. Ann's West. Perhaps he could have gone a little bit further to actually read the provisions of section 90 of the Constitution, because it is in section 90 of the Constitution that the DPP is vested squarely with the role that the DPP exercises.

Now, the reason why I am jumping in now is that the length of the reply will become too long and I will lose the focus, so I thank you for allowing me to treat with this.

I want to treat with the Member for Chaguanas West. We are now being told and the language that my learned colleagues are suggesting is that this is somehow a new power, and the argument is hinged because section 22AA is being posited as being okay. Before it was just designated entity and designated entity was just what the UNSCR dealt with, and that is okay. Now, we are asking for anything, and what does spontaneous mean? That is the nutshell of the argument. Let me start with this.

Law must be read in the context of the whole of the law; that is the first and most important provision. The existing power in the law as it stands without any amendment exists in section 25(3), clause 33, clause 32, clause 37. For the record, the UNSCR and the UN rules via UNSCR 1373 which is now the law and which my learned colleagues opposite brought into law 2011, 2012, 2014, 2015, my learned colleagues opposite brought to life UNSCR 1373 which says that you must treat with more than designated entities.

So my friends opposite moved the Parliament on four occasions, fattened the powers of the Attorney General who conducts civil litigation. The PNM Opposition had nothing to say against that because obviously we are aware of the Constitution, section 76(2), section 90 and the provisions of sections 25(3), 32 and 33 and 37 of the existing law, so we would not have dared to raise the spectre that the Attorney General was the improper creature.

So, I want to start by saying that that proposition, it is remarkable that it is being made because the recentness of this argument belies the fact that my learned colleagues opposite sat on this law and improved it on four occasions when they were in Government. And there was no difficulty with Attorney General Ramlogan or Attorney General Garvin Nicholas acting in this capacity, and this is not a matter of additional powers. Let us put it this way. Section 25 of the existing law provides specifically for the following:

“25(3) Where the Attorney General receives information that there may be present in Trinidad and Tobago a person who is alleged to have committed an offence...the Attorney General shall—

(a) cause an investigation to be carried out...”

32:

“DISCLOSURE AND SHARING INFORMATION

Every person or regulatory authority who has any information which will assist in—

(a) preventing...terrorism...

(b) securing the arrest...person for an offence under this Act,...shall forthwith disclose the information to a police officer...or the Central Authority...”

The Central Authority under the Mutual Assistance in Criminal Matters Act is defined as the Attorney General of Trinidad and Tobago, and has been the law for umpteen years.

Let us go further. The regulatory authority as defined in the existing law in section 32 says that it must be:

“‘regulatory authority’ means the Central Bank, the Securities Exchange Commission, the...”—FIU.

It is right there. The FIU must tell the Attorney General under section 32 exactly what my learned friends are saying is now a recent power. That has been the law since 2005.

2010, when we included Part IIIA, the amendment in 2011, 2012, 2014, 2015 brought by Brig. John Sandy, brought by Anand Ramlogan, brought by Larry Howai. Madam Chairman, I am genuinely in shock at the argument being put now.

Let us go further. Section 33 and section 32 make it an offence for the FIU not to provide the information.

Let us go further. Mutual Assistance in Criminal Matters Act under extradition, the Attorney General acting as Central Authority there receives particulars of charges and the evidence; that has been the law for umpteen years.

The Attorney General as existed under the UNC or the PNM has that privilege and power. And I want to raise something; we have seen that in notorious extradition matters where the Attorney General receives information. I, as Attorney General, have a massive amount of information of criminal matters under the MLAT provisions in the Mutual Assistance in Criminal Matters Act.

But, Madam Chairman, let us go further. No. No. You see, my learned colleagues opposite are saying now, I am coming for you, draconian power. And what I am saying, Madam Chairman, is that that is to make a mockery of the existing law. The existing law provides for all of this, and this has been the written black and white version of the law for umpteen years. So, let us go further to answer the arguments.

My learned colleagues are saying: What is meant by spontaneous? Perhaps spontaneous can be put to the words “of its own volition”. It could easily be so because we did it when we amended under the miscellaneous provisions legislation, under the power of the FIU to engage *ex proprio motu*, spontaneously of its own volition, information to other FSRBs, FATF-Style Regional Bodies. We put that power into the FIU, so there is precedent for that.

My learned colleague says, let us have the DPP and call Antigua and Barbuda. Antigua and Barbuda uses the Attorney General, Bahamas uses the Attorney General, Canada uses the Minister of Foreign Affairs.

Mrs. Persad-Bissessar SC: You are wrong, Sir.

Mr. Al-Rawi: I am wrong? Permit me. Madam Chairman, I brought the law, I have the law, [*Desk thumping*] I have it printed right here with me. I have done a trawl for the entire Commonwealth, and I can demonstrate where elsewhere in the Commonwealth, Attorneys General, or elected members, let us put it that way, elected members, Executive members, who can possibly engage in acts of a surreptitious nature, political activities, where Attorneys General have the existing power in the Commonwealth to do this. So, my learned friends opposite now, in summary, can have their argument answered as follows; this has been the law that the Attorney General functions under the Constitution under section 76(2) since Independence.

Secondly, the DPP’s powers are set out in our written Constitution since Independence.

Thirdly, the Mutual Assistance in Criminal Matters Act, which is a law which predates this Anti-Terrorism Act, has the Attorney General involved in what they on the other side call a “blurring of lines”, because the Attorney General is involved in the criminal end of those equations under MLATs.

Fourthly, the Anti-Terrorism Act was birthed in 2005, amended in 2010, 2011, 2012, 2014, 2015. The civil power which exists under that law is vested in the Attorney General and has been, and if it was good enough for my friends for the whole five years and three months that they were in power, it surely has to still be good enough for us. [*Desk thumping*]

The next position is, that the UNSCR regulations and resolutions have evolved, specifically UNSCR 1373, requires the Government of Trinidad and Tobago and every entity that is a member of the United Nations to act in respect of individuals. And therefore, the need to amend clause 22AA in the fashion that we have, has arisen because of the evolution of the UNSCR positions.

Further, Madam Chairman, it is in specific reliance upon recommendation 6 of the FATF 40 regulations and 10 immediate outcomes that we are obliged to treat with this recommendation.

The Government has to draw a line on this particular position, we cannot accept this recent argument, it is an inexplicable argument. And if the argument is accepted, it may require us to amend the Constitution, specifically for the powers of the DPP.

Secondly, we would then have to remove the Attorney General acting in habeas corpus matters, et cetera, on the civil side, so it would just require a complete removal of the Attorney General.

And for the Member for Siparia who held the office of the Attorney General herself, for however short that period was, to volunteer this argument today, as much as I have tried to be respectful in my advocacy for this Bill, I am compelled to point out now for all of Trinidad and Tobago, that I fear that we are playing politics with nonsense. [*Desk thumping*] And, Madam Chairman, the Government cannot and will not accept these amendments being proposed. [*Desk thumping*]

Madam Chairman: Member for St. Augustine.

Mr. Ramadhar: Thank you very much. Madam Chairman, let me just say, having heard the passionate version of the argument from the Attorney General, I think we need to refocus here. I too had some disquiet when the matter was first raised at the Joint Select Committee, but I have heard the Attorney General repeat

his arguments, but I think the other side is possibly forgetting that they do not need to convince themselves, they need to convince Members on this side to get the necessary votes. [*Desk thumping*]

And the argument that the Attorney General, and it is quite persuasive, that the Attorney General has been listed in the Constitution and other legislative changes over the years as the person responsible for dealing with civil aspects of the legislation, in this particular case however, the civil aspect is only the tip of the spear, the other end really is going directly into criminal prosecution. This is about terrorism, and that is not just about forfeiture of property and that sort of thing.

And I want to ensure, as the Attorney General has indicated from the beginning the importance to this country, that this legislation is passed. But if we cannot reconcile this issue, then I fear it will not be passed. And to suggest that there is no alternative, is really to turn away the creativity of the minds of all the Members of Parliament. And to rely on a foundation of a Constitution written years ago, yes, when there is a need constitutional reform, there is no issue on that point. [*Interruption*] Could I be permitted, and not to have learned from the experiences of not just the distant past, but the recent past, when Attorneys General, and not my friend the Member for San Fernando West, I assure you, I have known for 20-odd years, interfered in prosecutions. [*Desk thumping*] We cannot turn a blind eye to the Basdeo Panday prosecution when a sitting Attorney General was directly [*Desk thumping*] appointed without consequence to this day.

Hon. Member: And he was found lying.

Mr. Ramadhar: These are issues for us to create an artificial chamber here without any relationship to the real world aspects [*Desk thumping*] is to undermine the very purpose that we are here.

So that, if it is from what my friend has said, the Attorney General is the Central Authority. Well, if he is the central authority under law and the application being made for the amendment is to rename it “Central Authority”—

Mr. Al-Rawi: But that is not it. It is saying give the DPP.

Mr. Ramadhar: Hold, I am not finished. On one aspect, there is the issue of the Central Authority taking lead in relation to some of the international issues for mutual assistance. And we can go that route because at the end of the day you can hold your position, others could hold theirs, and then if you are right, Attorney General, and the anti-terrorism law is not passed, if you are true and

correct in what you have said, then the nation will pay the price for an inability to agree here.

And I am showing a possible path forward, and really in a way it is really a name change, nothing more than that in substance. The DPP has always had the prosecutorial powers, and with a reference from the Central Authority, there is great cooperation between them. In fact, I can tell you, at present, I am involved in a case where there is that coordination, I have seen it live and direct between, you know, those two bodies. So, I ask you to take a different look at things, because at the end of the day if you want to pass this law, you need to convince all of us here. Thank you.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Madam Chair, if I understand my learned colleague the Member for St. Augustine, the crux of the submission is, use the Central Authority which is the Attorney General and have the DPP treat with the matter. Madam Chair, the mischief that my learned colleague the Member for Siparia was attempting to portray was that an attorney general, an officeholder, could ask for information.

Mrs. Persad-Bissessar SC: A politician.

Mr. Al-Rawi: A politician. So my learned colleague's prescription is, let us use the Central Authority. Madam Chair—

Mrs. Persad-Bissessar SC: The DPP.

Mr. Al-Rawi: It still is the Central Authority that my learned colleague, the Member for St. Augustine, just raised and then had the DPP treat. I want to put it into context. The Central Authority is the Attorney General, so relabelling it—but, Madam Chair, I want to put this squarely on the record.

This 22AA says, furnish the AG with relevant material for an application under 22B and 37. When you go to 22B, if the Attorney General is acting, this is the law 2010, 2011, 2012, you will see it in the marginal notes where the last Government gave the then Attorney General all of these powers to act, as they say, ought not to be done now.

So when you look to 22B there is a formula approach. The Attorney General is asking for this information for the court, not for himself. The listing in 22B is for the court under due process, there is no fishing expedition here. It is this amendment for 22AA (d) is pinned to 22B.

And, Madam Chair, what my learned colleagues are asking to be done now is to rewrite Constitution of the Republic Trinidad and Tobago to remove the Attorney General's expressed power, to remove the Attorney General's *locus standi* to handle civil aspects because the listing is a High Court civil jurisdiction, and to put the DPP who is not vested with that civil responsibility and jurisdiction. So are we going to agree here today to a three-quarters majority or a two-thirds majority to amend the Constitution? Is that what the Opposition is saying?

Mrs. Persad-Bissessar SC: Three clauses.

Mr. Al-Rawi: Madam Chairman, my learned friend the Member for St. Augustine was correct. You can lead horse to water, you cannot make it drink. The Opposition, in a nutshell, is saying, remove the Attorney General; this is a dangerous position. They are asking Trinidad and Tobago to ignore the fact that it has been the law, anti-terrorism law has existed since 2005; that in 2010, 2011, 2012 and 2014, the UNC Attorney General had this power. And they are now saying, you are in Opposition, and you now say to the Government, you need our votes, amend the law. That is what you are saying. You are saying to Trinidad and Tobago which is being blacklisted, which is on the brink of disaster as it relates to the implementation of this law, you are saying that it is my way or the highway, change the law and change the Constitution and remove the Attorney General from its position.

Dr. Rowley: That is called blackmail.

Mr. Al-Rawi: That is called blackmail. [*Crosstalk*] I take that back. That is called—I withdraw the word “blackmail”. I am upset. That is called [*Crosstalk*] unreasonable, at the best.

Mrs. Persad-Bissessar SC: What you are doing now is blackmail.

Madam Chairman: All right. The word “blackmail”, I am considering it unparliamentary. The Attorney General has withdrawn it, we are not going down that road again, please. Member for Laventille West, then the Members for Caroni Central, Pointe-a-Pierre, and Naparima.

Mr. Hinds: Thank you very warmly, Madam Chairman. Madam Chairman, when the Attorney General after making his rather persuasive and compelling arguments for the maintenance of the amendment that is in front of us, when he was through with that, he put, the Member for Siparia I would like her to—

Mrs. Persad-Bissessar SC: I can multi-task, I am hearing you, Sir.

Mr. Hinds: Yes. So that when the Attorney General suggested that they want to, they are effectively suggesting that the authority and the office of the Attorney General is removed from the equation, they all shouted, “no”, that is not what they want. So, I am accepting that as face value.

The question is, the amendment says that the Attorney General should be furnished with all relevant information, not information that is not relevant. And the term “relevant” pertains to relevant information to proceedings civilly in the forfeiture provisions of the Bill.

So the information that the Attorney General is to receive must be relevant, meaning it is to be limited to the conduct of the civil proceedings which is in the domain of and the authority of the office of the Attorney General. So the question for the Member for Siparia is this, or for my friends on the other side: Is it that they believe that the Attorney General should not get information that is relevant to conduct the civil proceedings that he must against persons who are in the focus of this law? That is the question.

And therefore, Madam Chair, even if the recommendation as the Member for Siparia has put is that the information should go to the DPP, when the DPP receives information he is going to be treating with the criminal side of all of this. But if there is information that supports the civil regime, is the DPP then to send it to the Attorney General? Or what does he do with it? So if there is information available to assist the State against terrorists—

Mrs. Persad-Bissessar SC: This clause, clause 26 it does not deal with furnishing information. Clause 26. Clause 26, we are dealing with 26. It does not deal with the Central Authority. It does not deal with what—

Mr. Hinds: No. I am talking about—

Mrs. Persad-Bissessar SC: Clause 27, Madam.

Madam Chairman: Members, everybody cannot speak at the same time. All right? Overruled. Member for Laventille West—

Mr. Hinds: Yes.

Madam Chairman:—you have one more minute to just wind up.

Mr. Hinds: Thank you very much. So, I am winding up, Madam Chair, to say that the amendment as proposed requires relevant information to pursue the civil side. And wherever it comes from, if it is available it ought to be in the presence of the—at the hand of the Attorney General. So therefore, I support the

amendment that is put by the Attorney General, and reject the suggestion that is being made by the Member for Siparia. Thank you.

Madam Chairman: Member for Caroni Central.

Dr. Tewarie: Thank you very much, Madam Chair. The Attorney General, well, first of all I want to say that the objective is neither to rewrite the Constitution nor to alter the significant role of the Attorney General under the Constitution of Trinidad and Tobago, I want to say that from the outset. But the Attorney General spoke with a lot of passion, but in doing so he also is moving in a direction of really, with his arguments, personalizing the issue and then secondly, politicizing it. I would suggest that we do not either personalize or politicize it further.

I think that the Attorney General in outlining the powers he now has under the law, in fact, made the case that the existing powers of Attorney General are sufficient to deal with all the matters under this particular Bill. And therefore, there is no need really to make alterations that affect the relationship of the Attorney General with the DPP, with the Commissioner of Police or with the FIU and the other regulatory authorities.

And therefore, if the Attorney General finds it objectionable that the Director of Public Prosecutions would now be handed another or an additional mandate which would detract from the role of the Attorney General, I would suggest that the Attorney General proceed in a way which acknowledges the powers that he now has under existing law, delete this section out, because the three offending sections have to do precisely with the issues that I have raised, that is to say, the DPP, the Commissioner of Police and the FIU. And under the existing law with a deletion of what you have now, I think that it would be reasonable to proceed with this terrorism Bill.

Mr. Al-Rawi: Madam Chair—

Madam Chairman: Attorney General, could you just hold a while. Let us just hear the Members for Pointe-a-Pierre and Naparima, and then I will call upon you.

Mr. Lee: Thank you, Madam Chair. Attorney General, I understand in your passion that you exuded a while ago—

Mr. Al-Rawi: Madam Chair, I am sorry. Just for one moment. I do respect that you wish to do a response in the round, but it is not apposite, respectfully, if I could ask you to reconsider, because the points raised individually are very deep,

Madam Chair, and I do not want to be passing through on a very important observation that my learned colleague—so, if I could crave your indulgence to response to my learned colleague, because I think it dangerous if I do not get to the depth of it, and I am being urged by the hon. Prime Minister to ask for your attention on this.

Madam Chairman: The only difficulty with that is, if I allow a response on every contribution, it may not work for time and efficiency.

Mr. Al-Rawi: Understood. I do not propose every one, Madam Chair.

5.35 p.m.

Madam Chairman: Okay? So that I will allow you on this one, but I would say to you, after this, Pointe-a-Pierre and Naparima we will take, then you will do your contribution.

Mr. Al-Rawi: Thank you. Madam Chair, the constitutional law of this country must be considered for what it is. Our 1976 Constitution, by which we moved beyond independence and became a republic, saw section 90 of the Constitution which treats with the DPP's position, put into law. I must put it on the record. The DPP at section 90 says, the Director of Public Prosecutions:

- “1. The provisions of this section shall...have effect with respect to the conduct of prosecutions.
2. There shall be a Director of Public Prosecutions...whose office shall be...public...
3. The DPP shall have power...in which he considers it”—appropriate—“to do so—
 - a. to institute and undertake criminal proceedings...
 - b. to take over and continue any such criminal proceedings...
 - c. to discontinue at any stage before judgment...criminal proceedings...
 - d. ...powers...upon the DPP...vested in him to the exclusion of...”—others, et cetera.

The Barbados situation and other territories are at independence stage. They are not republican constitutions. And it is very important to note that under the independence constitutions like Antigua, like Barbados, the Attorney General has the power to direct the DPP. So, the independence constitutions allow for the office holder, executive, politician, Attorney General, to direct the DPP under their

constitution. Our 1976 Constitution separated the DPP and the Attorney General, and the criminal jurisdiction that the DPP has must be separate from the civil jurisdiction which the Attorney General has, and it is for that reason that our anti-terrorism law uses its Attorney General, qua Central Authority at times, and the DPP. And the two do not mix.

We are entering into a very dangerous realm of constitutional confusion, because it sounds good, you know. It sounds good, “let us not have a politician involved”. But the constitutional parameters of our ’76 Constitution must be factored here. This is no trivial game. It is why the law has stood that way from 2005 to 2018. And I am urging my learned colleagues, I am on my figurative knees asking you to please, treat with this within the parameters of reason.

Dr. Tewarie: Chair, I—

Madam Chairman: All right, Member for Caroni, I will take you after if you wish.

Dr. Tewarie: He completely misinterpreted what I said.

Madam Chairman: Member for Pointe-a-Pierre—

Dr. Tewarie: I told him that the Attorney General stands on the existing law.

Madam Chairman: Member for Caroni Central, I am sure we all understood. Member for Naparima, I believe you have vacated. So, Member for Pointe-a-Pierre and then we will have Member for Siparia.

Mr. Lee: Okay, thank you, Madam Chair. Attorney General, let me just try and bring back something in this. First of all, this is not about the Central Authority in this clause, or whether that we are trying to figure if this is relevant. The question I would like to ask and pose is that you have looked at our amendment and you do not agree with the amendment, and I am asking you—

Mr. Al-Rawi: Could you tell me why I do not agree?

Mr. Lee: No, no, let me just—just now you will answer.

Mrs. Persad-Bissessar SC: This—proposing something else.

Mr. Lee: The original parent law in (d) states:

“furnishing the Attorney General with information required to facilitate an application under section 22B, where a designated entity has funds in Trinidad and Tobago; and”

So that was struck off in the Joint Select Committee, you had a change, and your change is:

“furnishing the Attorney General with information required to facilitate an application under section 22B and section 37 spontaneously or upon request; and’;”

Now, we are saying that if you do not agree with our amendment why not go back to the original parent law [*Desk thumping*] because we feel that the amendment that was done has given the Attorney General—not the Member for San Fernando West—too much powers given the parameters. And we feel that if you cannot, why not consider going back to the original parent law or even, why was there a change in the first place to give the Attorney General that amount of power?

Mr. Al-Rawi: A very good, pointed question. I thank my colleague for it. The answer is squarely found in UNSCR 1373. What does that mean? The United Nations Security Council Resolution 1373 requires us and all other jurisdictions to act beyond designated entities. It requires us to act for individuals and listed entities. The FATF methodology which the UNC Government agreed to in 2015—in fact, in 2012, twice; 2013 and then 2015, committed us to agree to more than just designated entities. So, this Government is perfecting what you agreed, that UNSCR 1373 as applied by FATF methodology, as we have been rated in our fourth round mutual evaluation, it says that we must treat with more than just designated entities.

Secondly, if the power exists elsewhere, as I have demonstrated by reading it out, what could the harm be in stating it positively. Because it exists in 25(3), 32, 33, 37, and, as I see Sen. Hosein pulling up 1373, I will tell him look for the FATF Methodology joint group review, you will not find it in 1373 alone. It is not just, you pull out and you say “ah ha”. The methodology in the fourth round mutual evaluation has been set out. This is not a simple position, and it cannot be dealt with off the cuff. We have been told that this must be dealt with. We discussed it in the Joint Select Committee. The power exists elsewhere. Are you just asking us to revert to “what was there”? If I revert to just “designated entities”, I fail section 6, Recommendation 6. I fail. Sorry, Trinidad and Tobago fails Recommendation 6. The whole country fails, because it would only have treated with “designated entities”.

Secondly, it exists in the other laws, so that is the rationale, and that is why the insistence is that the FIU provide information within very specific parameters only for listing under 22B, and only for forfeiture after listing under section 37.

Mr. Lee: I seek just clarification, Chair. To the Attorney General, I as an individual have a concern that my name could end up, not by San Fernando West, by Attorney General, asking to seek information on Pointe-a-Pierre. That is a real concern that I have. And, based on what you are asking us to approve, is giving that individual that power. How do you satisfy me, that I will not—

Mr. Al-Rawi: Member for Pointe-a-Pierre, may I ask you, what is the effect of sections 32, 33, 37 and 25(3)? Is it true that the Attorney General can demand that information right now under the existing law? Yes or No?

Mr. Lee: No, you tell me.

Mr. Al-Rawi: Yes.

Mrs. Persad-Bissessar SC: Well, then keep it.

Mr. Al-Rawi: I have read it out.

Hon. Member: Then keep it.

Mr. Al-Rawi: Why do I need to amend this provision? That is the square question. I am not increasing power. I am moving beyond designated entities, which I must do to meet Recommendation 6. Who got me to agree to Recommendation 6? The UNC Government. I did not ask for it. I did not put Trinidad and Tobago first into the fourth round mutual evaluation. Anand Ramlogan and the Cabinet of the UNC Government agreed to that. [*Desk thumping*]

Madam Chairman: Member for Siparia, do you still wish to make your contribution?

Mrs. Persad-Bissessar SC: Thank you very much, just a few points and then we can allow the AG to wind up on this particular—

Mr. Al-Rawi: I am sorry to interrupt, 6.5(b), Recommendation 6 from FATF:

“This obligation”—to freeze—“should extend to: all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular terrorist act, plot or threat”—et cetera—“those funds or other assets that are wholly or jointly owned or controlled, directly”—et cetera—“by designated persons or entities...”

That is Recommendation 6.5, BIS.

Mrs. Persad-Bissessar SC: Sure. Sure. Okay, so you are justifying changing it to everybody and not just designated entities. But, can you point to

me anywhere in the FATF or in that resolution, because it is my respectful view that there is nowhere that the FATF or the UN said that the AG must be the designated person. There is nowhere where it says that.

Mr. Al-Rawi: Correct, because each jurisdiction must apply its own law. Sorry, please proceed.

Mrs. Persad-Bissessar SC: So, where it is that you are really granting to yourself what we see as increased powers, and you say you have to give increased powers, we are saying that the competent person should be the independent office of the DPP. So, there is nothing that says that the Attorney General must be—

Hon. Member: Correct.

Mrs. Persad-Bissessar SC:—must be the functionary.

Mr. Al-Rawi: Yes, there is.

Mrs. Persad-Bissessar SC: It says we must do all these things, we must do all these things which we are attempting to do, but nowhere have I seen that, and if you can show me—

Mr. Al-Rawi: Yes, I can.

Mrs. Persad-Bissessar SC: And this distinction now, this distinction between civil and criminal and section 90 and so on. Section 90, again, you have an interpretation, I have my own. My respectful interpretation of section 90 giving powers to the DPP, that is in respect of bringing proceedings on the civil side in the name of the AG—in the name of—and in the criminal side, in the name of the DPP, or the State. So, I am not sure that that applies. But right now in this Bill, Madam, we have the DPP exercising functions in this Bill.

Mr. Al-Rawi: For what purpose?

Mrs. Persad-Bissessar SC: The AG read it out to us. Well, you know, you have the DPP, you are inserting the AG into other things, it is like a “callaloo” or a “pelau”. You have the DPP doing some, the AG doing some, I feel that this can be consistent and harmonize if we have one office, and we are thinking, as we said, in these cases in 26, and I believe 27, to have the DPP. And the other point, Madam, is right now under the Proceeds of Crime Act, and prior to the Proceeds of Crime Act was the Dangerous Drugs Act, where the DPP was given these same powers of forfeiture from the Dangerous Drug Act. *[Interruption]* Yes, to the point he is given—he has the power to go—

Mr. Al-Rawi: In which jurisdiction?

Mrs. Persad-Bissessar SC: In Trinidad and Tobago.

Mr. Al-Rawi: In which jurisdiction? In the criminal jurisdiction.

Mrs. Persad-Bissessar SC: He has the power to go for forfeiture. If you are saying forfeiture and freezing orders are civil, he can apply to a court.

Mr. Imbert: What? Who?

Mrs. Persad-Bissessar SC: Under the Proceeds of Crime—

Mr. Al-Rawi: Sorry, would you just expand that for a moment?

Mrs. Persad-Bissessar SC: The DPP. The DPP. Yes, yes, under the Proceeds—[*Interruption*] You know, they are shouting down—

Mr. Al-Rawi: Member, please continue. Please continue.

Mrs. Persad-Bissessar SC: While I am speaking I will get the sections for you, eh.

Madam Chairman: Yes.

Mrs. Persad-Bissessar SC: If you could ask them to pass me. Under the Proceeds of Crime Act, prior to the Proceeds of Crime Act we had something called the Dangerous Drugs Act.

Mr. Al-Rawi: Still have it.

Mrs. Persad-Bissessar SC: Yes, but that was amended, and all these provisions for forfeiture and freezing and so on, they were removed and they were placed under the Proceeds of Crime Act. So, it was there from before, but with the Dangerous Drugs Act. So, the DPP has had powers within our jurisdiction to apply for what you are calling, these civil orders, the forfeiture and confiscation, freezing, and so on.

Mr. Al-Rawi: No, no, no, not civil orders.

Madam Chairman: Just a minute—

Mrs. Persad-Bissessar SC: No, no, no, please, can I finish? You will get to answer, you know, Sir. I say again, the Opposition is very concerned with increasing the powers under the office of the AG, our office of the AG—and you are very clear to tell me in other jurisdictions what they could do and cannot do—here, we do not have a Department of Justice, we do not have a Homeland Security, and these with 26, 27 and 28, is creating this mega Ministry of the Attorney General with these very draconian and invasive powers, and we on this

side say we have a grave difficulty in accepting it. The other amendments, we dealt with some, we agreed with some, but we have a grave difficulty with this, Madam, and I rest my case as that of the final submission on our side. Yes?

Mr. Al-Rawi: Madam Chair, the Government is in the following position: The hon. Member for Siparia referred to the creation of a hodgepodge, the DPP, Attorney General, Central Authority. Let us put this squarely into context. That was created in the year 2005, in 2010 it was improved, in 2011 it was improved, in 2012, 2014 and 2015, that so-called hodgepodge was amplified and improved by my learned colleague, as the Prime Minister of Trinidad and Tobago, as the Member for Siparia then was.

Secondly, where in the law does FATF say this, my learned colleague asked squarely. FATF in prescribing methodology for 190 jurisdictions, which are common law and civil law jurisdictions could never say, use X office holder. It would be absurd for them to do that. So what they do, is to prescribe a methodology, which is then translated into local law by applying your relevant legal system. In Trinidad and Tobago, what says that the Attorney General must do this, is the same thing that said so in 2005, it is the same thing that said it in 2010, '11, '12, '14 and '15, and you know what that is, Madam Chair? It is called the written Republican Constitution of Trinidad and Tobago. There is no proceeding in Trinidad and Tobago that I am aware of that the DPP has engaged in on the civil side. None! The DPP is constitutionally incapable of launching civil proceedings. Constitutionally incapable. Secondly, the Proceeds of Crime Act—*[Crosstalk]*

Madam Chairman: Members, may we have some order?

Mr. Al-Rawi: The Proceeds of Crime Act, specifically allows for forfeiture provisions. As I recall, section 38 of the Proceeds of Crime Act allows for forfeiture provisions in criminal proceedings after a predicate crime has been proved and a conviction has been given. So, let me make this abundantly clear to my learned friend, the DPP cannot engage in civil action under our Constitution. There is no example in our laws where that can happen. Only the Attorney General pursuant to section 72(2) has that locus standi. Only the Attorney General. The forfeiture provisions, under section 38 of the POCA, Proceeds of Crime Act, are in criminal proceedings, where a conviction has been obtained, and a forfeiture can happen. There is a halfway position for forfeiture provisions in another circumstance in the criminal division where a conviction may not be had, and that is where the cash seizure forfeitures happen. Those are the only two ways that forfeitures happen.

So, let us be real. Let us be legal. Let us be lawful. There is no way that a DPP can engage in the civil realm on this point. Our Republican Constitution does not allow that. I have answered squarely, the position as to why we are moving beyond the designated entity, UNSCR 1373, Recommendation 6.5, and 6.5 BIS, as I recall, if I have got the FATF terminology correct, that says that you must move beyond designated entity to entity and individuals. The goalposts have moved. Who committed us to this process? The Member for Siparia, Anand Ramlogan. Anand Ramlogan, as Attorney General for Trinidad and Tobago, sat—the hon. Attorney General—as the Deputy Chair of the Caribbean Financial Action Task Force.

Mrs. Persad-Bissessar SC: Who is that?

Mr. Al-Rawi: AG Ramlogan was the Deputy Chair of the Caribbean Financial Action Task Force.

Hon. Member: That is why the AG should not have that kind of power.

Mr. Al-Rawi: Listen, I am dealing with the law here. So, Madam Chairman, what my learned colleagues are proposing, is constitutionally incapable of success. I am confident my learned colleagues will now be reminded of that, if it was not known before. The provision of forfeiture by the DPP under the Dangerous Drugs Act, as it was assumed and subsumed by the Proceeds of Crime Act amendments, is only in the criminal jurisdiction, after conviction and for cash forfeiture. I am absolutely sure about that. So, my learned friends, respectfully, have not advanced a case which can hold water, and I am asking my learned colleagues, I am pleading with my learned colleagues opposite, to recognize the truth of what I am saying. Our country is looking at us, we need your support, and that is the Government's position.

Madam Chairman: Member for Arouca/Maloney.

Mrs. Robinson-Regis: Thank you, Madam Chairman. I just wanted to support everything that the Attorney General said, but I just wanted to put one other thing into the mix, which takes off from what the Member for St Augustine said, in relation to an attorney general being the cause of Basdeo Panday being sent to prison. And I really think it is beneath the dignity of the House that any Member of this House will make that argument that an attorney general will go after a political opponent. And I really think that that should not stand in the records of this House. And I would also like to indicate, that it is a highly improper claim to make, and I would also like to indicate that that claim, which is now also being put on this Attorney General as part of what this Government may

possibly do, needs to be totally rejected, not only by us on this side, but by this House of Representatives. Thank you very kindly, Madam Chairman. [*Desk thumping*]

Question, on amendment, put.

Mrs. Persad-Bissessar SC: Division please.

Madam Chairman: I think the noes have it.

Mrs. Persad-Bissessar SC: Can we have a division please? [*Crosstalk*] So, if it is lifted, you do as you wish? Your conscience, do it on your conscience. I hope you do the same.

Mr. Al-Rawi: Yes. [*Crosstalk*]

Madam Chairman: Okay, so we are about to take the division, so could we have a little order so that the Clerk could get this correct.

The Committee divided: Ayes 17 Noes 21

AYES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Ramadhar, P.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Ms. R.

Singh, G.

NOES

Al-Rawi, F.

Rowley, Dr. K.

Imbert, C.

Young, S.

Deyalsingh, T.

Hinds, F.

Forde, E.

Mitchell, R.

Cudjoe, Ms. S.

Garcia, A.

Crichlow-Cockburn, Mrs. C.

Robinson-Regis, Mrs. C.

Dillon, Maj. Gen. E.

Webster-Roy, Mrs. A.

Gadsby-Dolly, Dr. N.

Francis, Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Smith, D.

Amendment, [Mrs. Persad-Bissessar SC] negatived.

Mrs. Persad-Bissessar SC: Madam, may I crave your indulgence just on a procedural point? I know that we are saying that the list of amendments contained in the JSC report, that those do not have to be put for a vote, but how can we

object to the amendment as being proposed in this particular clause, how can we get to vote on that?

Madam Chairman: Okay, Member for Siparia, actually that is what we are voting on.

Mrs. Persad-Bissessar SC: No, what we are voting on was the amendment put by us.

Madam Chairman: No, no, no. And let us just understand—

Mrs. Persad-Bissessar SC: Sure.

Madam Chairman:—remember we went from clauses 1 to 4.

Mrs. Persad-Bissessar SC: “Hm mm.” Okay.

Madam Chairman: Okay?—5, were new amendments or further amendments; 1 to 4 would be your JSC Report Bill, and if there were amendments proposed by the JSC it would have been captured in this. I think what we have are a number of things. We have this [*Holds up document*] which I think everybody should have, and then we have a separate document that just gives you the highlights that you could look down on, but if you compare that list that you are talking about, with the document, the version of the Bill we have before us, you would see it is incorporated. So, we have been voting all the time—

Mrs. Persad-Bissessar SC: On the red ones in that consolidated Bill.

Madam Chairman: Yes.

Mrs. Persad-Bissessar SC: But how do I get to say I do not agree with that?

Madam Chairman: Well, when we put clause-whatever to you—

Mrs. Persad-Bissessar SC: Which has just been done.

Madam Chairman: Well, this one is not a good example, because we put further amendments. So, when we go to another clause—

Mrs. Persad-Bissessar SC: No, but, how do I get to this, it is in the red one, Madam, on page 425, 22AA(d), the red there, how do I get to say I do not agree with that?

Madam Chairman: Is that not what we are dealing with?

Mrs. Persad-Bissessar SC: No, Ma’am, we dealt with amendments from—so that is gone.

Madam Chairman: I am now going to put—what is before us is the one that you had originally there in this Bill. Then both you and the Attorney General have amendments to it.

Mrs. Persad-Bissessar SC: Yes.

Madam Chairman: So, I have put yours, which was—

Mrs. Persad-Bissessar SC: Agreed. Agreed.

6.25 p.m.

Madam Speaker: I am now going to put the Attorney General's. So when I read the Bill originally, as it was, the clause, it is then all your discussions would come, including your proposed amendment.

Mrs. Persad-Bissessar SC: But that is gone; that part of it has gone.

Madam Chairman: Yes. So you will know for the next set of sections that are coming.

Mrs. Persad-Bissessar SC: How can I for this clause 26 indicate that the Opposition does not agree with what is inserted in 22AA(d)? How can we do that? [*Interruption*] Yeah, but this was not in the original amendment Bill. Well, let me just for the record, Madam, indicate the Opposition does not support the red amendments at page 425 into section 22AA. We do not support it.

Madam Chairman: Yeah, and I think that was clear from what your proposal was, your proposed amendment. So, we are now going to deal with—

Mr. Lee: Madam Chair, just going forward to the next clause—

Madam Chairman: Just now. Let us just finish this and then we go forward. The question is that clause 26 be amended as follows in terms of amendment (1) as proposed by the Government and circulated.

Question put.

Mrs. Persad-Bissessar SC: Division please.

Madam Chairman: Take a division.

The Committee divided: Ayes 21 Noes 17

AYES

Al-Rawi, F.

Rowley, Dr. K.

Young, S.
Imbert, C.
Deyalsingh, T.
Forde, E.
Hinds, F.
Mitchell, R.
Cudjoe, Ms. S.
Garcia, A.
Crichlow-Cockburn, Mrs. C.
Robinson-Regis, Mrs. C.
Dillon, Maj. Gen. E.
Webster-Roy, Mrs. A.
Gadsby-Dolly, Dr. N.
Francis, Dr. L.
Olivierre, Ms. N.
Antoine, Brig. Gen. A.
Leonce, A.
Smith, D.
Jennings-Smith, Mrs. G.
NOES
Lee, D.
Persad-Bissessar SC, Mrs. K.
Charles, R.
Rambachan, Dr. S.
Karim, F.
Tewarie, Dr. B.
Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Ramadhar, P.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Ms. R.

Singh, G.

Amendment, [Mr. F. Al-Rawi] agreed to.

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clause 27.

Question proposed: That clause 27 stand part of the Bill.

Madam Chairman: There is an amendment by the Member of Siparia.

Mrs. Persad-Bissessar SC: I beg to move the Opposition's amendments to clause 27 which seek to deal with section 22B of the Act, the parent Act. Again, it is a similar argument where we are asking to delete the words "the Attorney General" and substitute the words "the Director of Public Prosecutions". Secondly:

"he shall cause an investigation to be carried out in respect of that allegation and may for that purpose refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of the individual or entity."

We are asking for that to be deleted and to insert, "thereof, that he shall cause an investigation", and this is where the Attorney General receives information.

"he shall cause an investigation to be carried out in respect of that allegation for that purpose and as soon as the investigation is completed provide to the Director of Public Prosecutions a report of the investigation required for the

purposes of making an application to list an individual or entity under subsection (1B).”

Further, to delete the proposed subsection (1A), that the Government has inserted and in proposed subsection (1B), to delete the words, “The Attorney General” and substitute, “thereof the DPP”.

Further, in the proposed subsection (3B) by deleting the words “the AG”, substitute “DPP”. Again, in subsection (5B), by inserting the word “for” the word “listed” and by inserting after the words “entity or” the word “listed”. I think there has been a little difficulty here. We are just speaking of entity, and there is a particular definition for entity and we feel that this will be more complete because you are now listing people.

By amending (6A) and propose 6(9A), by deleting again, “the AG”, wherever it appears, substitute the words “Director of Public Prosecutions”.

Madam, our concerns here are, again, that we are placing too much power in the hands of the hon. Attorney General or the Office of the Attorney General. We believe that the proper office to carry out these functions should be the DPP and the Commissioner of Police. We face serious concerns where it is the Attorney General refers a matter for investigation to a Commissioner of Police, and that Commissioner now has to send back a report to the AG. I have serious concerns about that as well.

Where it is, again, the AG said, you know, the AG would not be a fisherman; he would not be on a fishing expedition. But the way it is framed it creates the opportunity for an Attorney General to be a fisherman, to get information about people’s private business and to cause the investigation, first of all, to receive a report from the police. I have nowhere else where a criminal investigation is undertaken and that report is sent to an Attorney General. So, I have problems with that. And then thirdly, again, removing the AG, putting the DPP to apply for the listing order and for the freezing orders.

Now, some of the points made by the hon. Attorney General, I repeat again, under the Proceeds of Crime Act and before when it was under the Dangerous Drugs Act, and I have this section in the law, it was 17-something, but you said it is not there. I think, if my memory is right, the AG said look, this is after a criminal prosecution and so on. That is not true. They can go even before to get the freezing orders under the Proceeds of Crime Act. So, the arguments there I do not buy and much of what we said, my colleagues will continue in this vein on 27.

Again, section 19 you are saying, constrains powers of the DPP and the AG and if you read it properly it is for how you bring and carry cases, it is the name, eo nomine, or on behalf of the Attorney General. That is what that section 19 is. Section 19(6) here, and section 19 of the Proceeds of Crime Act, Chap. 11:27:

“(1) The High Court may by order... prohibit any person from dealing with any realisable property”—it is termed a restraint order here.

“(2) Without prejudice...the Court”—may make that restraining order. So you cannot deal with your property, it is in effect a freezing order, so you cannot deal with your own property. And it continues, which one was it, 7?

“(6) A restraint order—

(a) may be made only on an application by the Director of Public Prosecutions;

(b) may be made on an ex parte application to a Judge in Chambers; and...”—and that order—

“(a) may be discharged or varied...”—thereafter.

So, we again, I feel very strong that the arguments that we have on this 27 will preclude us from agreeing to the amendments to the Anti-Terrorism Act.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. Madam Chair, my learned colleague started off by saying that we will be giving for the first time, at least that is the way I understood it, the Attorney General will be giving the Attorney General excessive powers. Madam Chair, for the record, the power of the Attorney General to act for listing of entities exists under section 22B of the current law. That law was brought, the Anti-Terrorism Act, into effect in 2005, by Act No. 2 of 2010. That law was amended, section 22B specifically, by Act No. 6 of 2011. That law was again amended by Act No. 14 of 2012. That law was again amended to allow the Attorney General to have amplified powers for listing of entities under 22B.

For the record, the mover of the Bill, which became Act No. 16 of 2011 was Brig. John Sandy, the United National Congress Minister of National Security, under the prime-ministership of Mrs. Persad-Bissessar. For the record, the mover of the Bill which became Act No. 14 of 2012 was Sen. The Hon. Anand Ramlogan acting under the prime-ministership of the Member for Siparia. So,

that is the law, the Attorney General's power under 22B was good enough to be amended and improved on two occasions under the Cabinet direction headed by the Member for Siparia. So this is not a new power in any circumstance at all. So let us get that one straight.

Secondly, the recommendation by the Opposition is to remove the Attorney General completely and install the DPP. Again, the Constitution of the Republic of Trinidad and Tobago specifically provides that the Attorney General under 76:02 is to be the entity dealing with the civil litigation for the State. Section 90 treats with the DPP's criminal jurisdiction, section 90 of the Constitution. Let us turn to the Proceeds of Crime Act. [*Crosstalk*] Under the Proceeds of Crime Act, [*Crosstalk*] specifically section 38 treats with cash forfeiture.

Madam Chairman: Members, Members, Members, the crosstalk, if you all could please cooperate with the Attorney General so we can get the points.

Mr. Al-Rawi: Thank you. Under the Proceeds of Crime Act, section 38 deals with cash forfeitures; section 41 deals with forfeiture; and section 19 deals with freezing orders. All of them are in the criminal jurisdiction or in aid of the criminal jurisdiction of the court treating with matters where there are charges brought against people. Under section 22B the listing requirement does not involve necessarily a charge. For designated entities, so listed under 1267 by the United Nations, you can list. There need not be a charge against ISIS, Boko Haram, Al-Qaida. There is no need for a charge. Under the listing of entities and individuals you do not need to get down that realm. So this is why borrowing the support of the Proceeds of Crime Act is to compare camels with ants; it is to compare oranges with watermelons. There is no comparison.

What I would ask now squarely to my learned friend, the Member for Siparia is, can you explain to me why in 2010, 2011, 2014, 2015 your Government was comfortable with the Attorney General having these powers? Please.

Mrs. Persad-Bissessar SC: The powers therein contained are circumscribed. What you are now doing is that you are expanding it. I mean, you have nearly a whole page amendment in red. What was there, you like it, it has been there since '05, '10, '16, '18, keep it, keep that, but we cannot agree with all these red amendments that you have in the Bill under 3(5)(1).

Mr. Al-Rawi: And for the record, Madam Chair, the Joint Select Committee in making "these red amendments", included the hon. Member for Oropouche East, Dr. Moonilal, it included Mr. Prakash Ramadhar, the Member for St. Augustine, it included Sen. Saddam Hosein, it included Sen. Sophia Chote.

Those are non-government Members and they signed unanimously onto these so called “red amendments”. [*Desk thumping*] They brought the amendments with consent, no minority report was put in [*Crosstalk*] and I cannot for the benefit of our citizens do anything other than to urge my learned colleague the Member for Siparia to support that which her own senior members, the hon. Member for St. Augustine has acted as Prime Minister of this country. The hon. Member for Oropouche East I believe has also held that distinction.

Dr. Moonilal: And Attorney General.

Mr. Al-Rawi: Two acting Prime Ministers for Trinidad and Tobago, and the hon. Member for Oropouche East is right, he also acted as Attorney General for the Republic of Trinidad and Tobago. So a past Attorney General for the UNC, two past acting Prime Ministers for the UNC sitting in this Joint Select Committee unanimously agreed to these so-called “red amendments” that the Member for Siparia has described them as, and I am asking the Member for Siparia, genuinely to please reconsider the Opposition’s approach on this.

Madam Chairman: Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Chair. This is really the most appropriate time for me to intervene. [*Crosstalk*] And I thank the Attorney General for acknowledging my service to this country. [*Crosstalk*] I never dismantled bombs but I did act as Prime Minister and Foreign Affairs Minister and Attorney General as well.

Madam Speaker, let me make the point because I knew this juncture would come, I knew exactly that this juncture would come and in fact I raised this matter with my colleagues. A joint select committee operates in a certain context. The Government by definition has a majority in a joint select committee. In the Parliament the Government does not have at this time a special majority. All these matters, in fact, as I said before, not almost, I think every single matter were raised in the Joint Select Committee concerning these very issues. The Attorney General gave some of that explanation, not all I think, but some explanation he gave at that time. We proceeded but these issues were raised, they are not new issues.

The Parliament job is not to rubber-stamp a report of a joint select committee but to consider the report because there are rules that even prevent members on a joint select committee from speaking to their own colleagues and discussing. So colleagues, this is not a report of the Opposition, this is a report of a joint select committee. And this is why even the Attorney General when he came today made further amendments.

Hon. Member: Serious?

Dr. Moonilal: Made further amendments that were not the subject of the Joint Select Committee.

Hon. Member: What! Really.

Dr. Moonilal: There were amendments put forward today in his winding-up that were not the subject of the Joint Select Committee. [*Crosstalk*] Orally, in fact, did not commit to writing but there are amendments on both sides. [*Crosstalk*] So, Madam—

Madam Chairman: All right. May we have some order please?

Dr. Moonilal:—this amendment as well, I believe, so that I do not think it helps us to go to the Joint Select Committee on who was there, and who agree and who did not agree. The purpose of the House is to agree to a report either with or without amendments and that is precisely what we are doing here.

There is a troubling issue that we have been discussing for some time now and I will ask the Attorney General again to remember that this is not a personal attack on the Member for San Fernando West. In fact, it may have little or nothing to do with the Member for San Fernando West. This has to do with a much broader issue of our deep concern over the powers of an Attorney General in our political structure. If it is that those powers were there before, as you claimed, since 2005 or thereabout, and the Partnership administration presided over that or even amended and so on, well then precisely leave those powers as they are and go no further, and pass your Bill. We have said that now about 25 times.

Now, the other troubling question is this question over the DPP and the Attorney General. We do not have a law library at our disposal at this exact moment. The Attorney General by definition has greater support; he has the support of his Ministry and the Government that he can check things, but Mr. Attorney General you are stating categorically that there are no circumstances known to you or the Government where the DPP has applied for Orders—confiscation orders or other orders—

Mrs. Persad-Bissessar SC: Freezing orders.

Dr. Moonilal:—freezing orders in a civil court or to a civil judge. I said that categorically. We would just like to clarify that that is indeed so. Were there circumstances involving the Ramdhanie issue in which there were orders made to

a civil judge or in the civil court? We would just like to clarify that because we are not here to quarrel over things that we may not have the research material over, but to confirm. We would just like you to confirm that to your knowledge, whether it is breaking the law or not, that the DPP has never gone to a civil judge or in civil court over any orders before prosecution as well. If you can check that for us.

The other matter is the Office of the Attorney General. While this Attorney General may mean well and have the best of intentions in the world and I know there are colleagues on this side who may believe that. There are some colleagues who may believe that. The issue is not the conduct of the Attorney General, but in our recent past you will recall in the extradition matter involving Mr. Jack Warner, I believe it was the first time a foreign jurisdiction, it was the United States of America, I believe, went to the court to get an order or to get the court approval to represent themselves. They actually went to the court—

Hon. Member: They told the court.

Dr. Moonilal: They told the court that they had no confidence in the Central Authority and the Central Authority as we now know is the Attorney General. They had no confidence in that office to represent them and they made an application to represent themselves. It was the first time a foreign state ever made an application for the Central Authority not to represent them. Again, it had nothing to do with the Member for San Fernando West, it had to do clearly with their lack of confidence in that office, maybe other systemic problems or structural issues and so on, we do not know.

So, we ought not to be living in a paradise and in a dream world to think that in theory as the Attorney General says, he is not on witch-hunt, he is not there for revenge, he is not what?—fishing? He is not a fisherman out in the sea and so on. That is fine and that sounds good in theory, and all Members can declare themselves that way. But in practice we have had serious challenges with the Office of the Attorney General. The Member for Arouca/Maloney spoke earlier and took umbrage at the Member for St. Augustine raising a matter involving a former Attorney General. But the fact is we have had problems over the years with that office, and office holders, not this Attorney General at all.

Hon. Member: As yet.

Dr. Moonilal: Well, I do not want to say “yet”.

Madam Chairman: And I advise you not to say “yet”.

Dr. Moonilal: And, Madam Speaker, I take your advice on that one. But the Member for Arouca/Maloney, I imagine, in this very Parliament purported to read a search warrant of which she never had in her possession. So what I am saying is that the office has been a troubling one. It has nothing to do with the Attorney General in this case, the person and you must take it in that light. If we are to build consensus and get to an end point we cannot see it as a personal attack or as anything against you individually.

Mr. Al-Rawi: I thank my learned colleague, the Member for Oropouche East, and I do take his words in the manner that he has offered them. Madam Chair, if I can address, in the Ramdhanie case there was civil aid to proceedings which were in the criminal arena. So that is a fact. The distinction that I asked the hon. Members to consider is that the recommendation coming from the Opposition is substitute entirely the Attorney General with the DPP. And that is different from a civil aid function to a criminal matter.

Secondly, for the record, in the United States matter concerning Jack Warner, just to address the point, because the case involves an argument that there is a conflict between the treaty provisions and the Act, this Attorney General, I, instructed that the team be cleaved because there could be a conflict of positions between the treaty obligations and the Act and it was for only that reason that we cleaved the representation because that was a very novel argument which in fact the Attorney General won in the first round of positions. So there is no position that this Attorney General, this Attorney General has for the first time been the victim of some history where the US has said we do not want you involved. That is not the case. The case is that because of the claim brought, the representation was cleaved and that is the best-in-practice position.

But my learned colleague, I think, may have brought our debate back into centre line. I just heard the hon. Member for Oropouche East say, and I lean to discuss it with the relevant entities around me, that rely upon your existing power. So far I have gleaned the complaint for mischief is an allegation that there is a broadening of power, by talking to the FIU or by talking to the Commissioner of Police. Let us for a moment leave the fact, [*Crosstalk*] yeah, talking meaning receiving. Talking meaning I am asking you to give me a report, right, and then saying that the FIU or the Commissioner of Police may give that report or relevant information. That seems to be the central mischief. And I have heard the Member for Caroni Central and I have heard the Member for Oropouche East just say something which the Member for Oropouche East actually put very clearly forward and I thank him for it. The recommendation was, rely on your existing

powers. Because we accept that section 25(3), section 32, section 33, section 37 of the Act exist.

I am asking now if the Government were to remove in 22B, let us start there because that is where we are, if the Government were to remove—if we look to the marked-up Bill, 22B (1)(b)—that facility where the Attorney General asked the Commissioner of Police for something and then in (1A), where we say that the Commissioner of Police should provide the Attorney General with relevant information. If we remove those two clauses, will the Opposition support the recommendation of the JSC?

Hon. Member: Repeat that again.

Mr. Al-Rawi: Let us focus. The mischief as painted—[*Interruption*—no, I mean mischief in law, the concern. The concern that has been painted is that the Attorney General is being given two routes which cause concern. On the first route the concern is, look, you are asking the FIU for information and that is something which causes concern because the Office of the Attorney General under our system is a political appointee, so do not ask the FIU, that causes concern. That is the first concern, first route.

The second concern is in 22B. In 22B, we insert the ability for the Attorney General to ask the Commissioner of Police to do something.

Mrs. Persad-Bissessar SC: If you may you can proceed and ask your people to type it up. It is very difficult hearing it. This is a very complicated Bill, very complicated.

6.55 p.m.

Mr. Al-Rawi: Okay. So I just wanted to get the idea first, because it now hinges upon another statement that I want to make. So if I could ask the hon. Member for Siparia if she has a copy of the marked-up version of the Act or Bill. Yeah?

Mrs. Persad-Bissessar SC: Yes, I have it.

Mr. Al-Rawi: Okay. If we look to 22B, the matters which are in red, we see subclause (1) where Attorney General receives information. Go past A, we get to B. B says “cause an investigation—he may for that purpose refer it to the Commissioner of Police who may cause an investigation to be carried out.” That seems innocuous enough because you are just sending it to the Commissioner of Police. The concern arises in the next one.

“(1A) Where the Commissioner of Police receives a referral...he shall as soon as the results of the investigation are known, provide the Attorney General with the relevant results...”

If we were to completely delete that (1A), there is nothing wrong with sending it to the Commissioner of Police for an investigation.

So if we took out (1A) entirely, and do the same thing for the FIU, so that is 22AA, which we passed already, these are the two blocks right now. The Opposition’s submission is that, “Listen, Attorney General, if you have this law the way it is as you are putting it now, where you can get the Commissioner of Police to give you information back, or the FIU to give information back”—the Opposition’s submission is: “Bring in the DPP”, which I have some constitutional issues with. If I were to completely delete (1A), then the existing law can stand. Then we can revert to what the Member for Oropouche has said, which is rely on your existing position. And I want to genuinely thank the Member for Oropouche East for focusing upon that just now. I confess—it is not often you hear me complimenting the Member for Oropouche, right? I confess that passions are high. So, Madam Chair, would it be—if you would permit me, I am hearing the hon. Member for Siparia say, write it up so it is clear.

Mrs. Persad-Bissessar SC: It cannot be put unless it is circulated in writing.

Mr. Al-Rawi: Sure. I can do that, if you would permit the opportunity, Madam Chair.

Madam Chairman: We will therefore leave clause 27, and revert to clause 27.

Mr. Al-Rawi: So we can come back to the two bits that caused us concern, because it seems to me this is the stumbling block—26 and 27. Clauses 26 and 27—clause 26, which we passed, which is the FIU bit, and 27, these are the two stumbling blocks. The Attorney General touching the FIU starts in 26. Clause 26 treats with an amendment to clause 22AA. So we passed 26 and we voted on it and we took a position.

Mrs. Persad-Bissessar SC: Sure. We are on section 22B now, which is clause 27.

Mr. Al-Rawi: Which is clause 27. So if the Government were to reduce the proposed amendment to writing so that my learned colleague could see it in context—and I agree with her; it is not something to do off the cuff like that—would the Opposition be minded to consider at least that position?

Mrs. Persad-Bissessar SC: We will consider any proposal that is properly put to the House.

Mr. Al-Rawi: Because that will avoid the whole need to say, “Replace AG with DPP”. Yes?

Mrs. Persad-Bissessar SC: Maybe. I have to look at it. I am saying, I will have to see it in the proper form, Madam, through you.

Madam Chairman: So can I, therefore, suggest clause 27 and clause 28—because my quick glance at clause 28 and the amendments that are being proposed may raise a similar issue.

Mrs. Persad-Bissessar SC: Yes, Ma’am.

Madam Chairman: So may I suggest that clause 27 and clause 28 be deferred and we revert to them when this further amendment—

Mrs. Persad-Bissessar SC: Yes, Ma’am.

Madam Chairman: And therefore it will mean—because we have two sets of amendments for 28, but we will defer 28 altogether.

Clauses 27 and 28 deferred.

Madam Chairman: And, therefore, we will then consider 29 to 33 as a block and then we do 34. Yes?

Mrs. Persad-Bissessar SC: Clause 34 also has “AG” to be replaced by “DPP”.

Madam Chairman: Okay. So we will do 29 to 33. We will then do 35 to 45 and then we will do the new clauses 46, 47.

Clauses 29 to 33 ordered to stand part of the Bill.

Madam Chairman: We will defer clause 34 and we now go on.

Clause 34 deferred.

Clauses 35 to 45 ordered to stand part of the Bill.

Madam Chairman: Now, may I suggest at this stage we suspend because, according to the procedure, we cannot entertain the new clauses before we finish the current clauses. So we will give the Attorney General an opportunity to reduce into writing the matters, and then we would come back and do those that we have deferred and then consider the new clauses. Okay?

So that I get the sense that half an hour should be adequate and therefore we will resume here at 7.35 p.m. Yes? So this committee is now suspended to 7.35 p.m.

7.03 p.m.: *Committee suspended.*

7.49 p.m.: *House resumed.*

Madam Speaker: Leader of the House.

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, in accordance with Standing Order 15(5), I beg to move that the House continue to sit until the conclusion of all the matters before it.

Question put and agreed to.

ANTI-TERRORISM (AMDT.) BILL, 2018

House in committee.

Madam Chairman: Members, the sitting of this committee is suspended until later in the proceedings. We shall resume the sitting of the House to do other matters and return to this because the amendments to be circulated have not as yet reached Members. Okay. The sitting of the committee is suspended.

Committee suspended.

House resumed.

CRIMINAL DIVISION AND DISTRICT CRIMINAL AND TRAFFIC COURTS BILL, 2018

Senate Amendments

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I beg to move the following Motion standing in my name:

Be it resolved that the Senate amendments to the Criminal Division and District Criminal and Traffic Courts Bill, 2018 listed in the Appendix to the Order Paper be now considered.

Question proposed.

Question put and agreed to.

Senate amendments read as follows:

Criminal Division Courts Bill, 2018
[HON. F. AL-RAWI]

Friday, June 29, 2018

Clause 3.

- A. Delete the definition of “child”.
- B. Delete the definition of “Children Court”.

Clause 24(1).

- A. In paragraph (a) delete the word “and” after the words “subsection (2);”.
- B. Insert the following paragraph after paragraph (a):
“ (b) for the hearing of traffic violations; and”.
- C. Renumber paragraph (b) as paragraph (c).

Mr. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, I beg to move that this House agree with the Senate in the amendments to clauses 3 and 24(1) of the Criminal Division and District Criminal and Traffic Courts Bill, 2018.

Madam Speaker, the amendments brought from the Senate are entirely innocuous. In clause 3 of the Bill we propose the deletion of the definition of “child” and deletion of the definition of “Children Court” simply because in the interpretation section the presence of these particular terms find themselves only there. There is no other reference to the child or to Children Court elsewhere in the Bill and, in those circumstances, the definitions are not only superfluous but otiose. That is the rationale for the amendment in the deletion of those two terms.

With respect to clause 24(1) of the Bill, the amendment is, essentially, simply for the insertion of a new subclause (b), and clause 24 really is the crux of the Bill. Clause 24 allows for the Rules Committee established under section 77 of the Supreme Court of Judicature Act to make rules of court firstly establishing criminal courts procedure for the management of case types and offences. Translated, that means specialist courts. And secondly, we now, out of an abundance of caution in the Senate amendments, propose the insertion of the ability to make rules for the hearing of traffic violations.

I remind that in the amendment to the Motor Vehicles and Road Traffic Act, in making the insertion of new sections A, B and C, of that legislation, we bifurcated the manner in which offences were treated with. Some are kept as offences and the vast majority of offences have been converted to violations. In those circumstances, the Ministry of Works and Transport asked for the inclusion, expressly, of the ability to make rules for the hearing of traffic violations, even though one could have dealt with that under the general provisions, under section 24(1)(b) as it now stands, for making rules generally for the carrying of this Act into effect.

These amendments are therefore innocuous. They help us to advance simply a little bit more clarity in the Bill, and I beg to move. [*Desk thumping*]

Question proposed.

Mr. Lee: Thank you, Madam Speaker. I do not intend to be long on these two simple clauses, but I would just like to ask a question to the Attorney General in his winding-up, as part of 24(1)(b), for the hearing of traffic violations. In coming out of the other place, there was an area of setting up a special criminal court in relationship to this. Could he, in his winding-up, shed some light into what that would be? Basically that, and how the operationalization of the whole aspect would take place.

With those few words, Madam Speaker, I thank you.

Madam Speaker: Attorney General.

Mr. Al-Rawi: Thank you, Madam Speaker. I thank my learned friend for a very succinct contribution and I move directly to answer my learned colleague. Clause 24 of the Bill is the part of the Bill when it becomes law, provides for the establishing of special courts. The Supreme Court of Judicature Act and the Summary Court Act, allow for, together with the Constitution of Trinidad and Tobago, the management of courts by the hon. Chief Justice, both in the Appellate and High Court Divisions, as well as in the summary court divisions. All that is essentially needed, therefore, is simply rules for the establishment of specialist courts. The specialist courts that are proposed to come into operation are very important for the advancing of the case management and criminal justice system.

There is need for a special fraud court. There is need for a special court to treat with matters such as sexual offences. There is a need for special courts to treat with certain types of children matters, even though we have a Family and Children Division. In these circumstances, this Bill allows for the first time, for the creation of specialist arenas that the country has been crying out for, for at least 30 years.

This particular clause allows for us to move past the umpteen Bills that both Opposition and Government, in that revolving door that they have stood over the many years, have brought to Parliament. That is the Drug Treatment Court, the Drug Court, the Kidnapping Court, the Bail Court, the Gun Court. All of those names and courts are now all rendered useless, because all that was really needed was the power to do these things prescriptively by the rules.

Specifically with respect to traffic violation, traffic violations have to be managed. The Government has already built out the information technology

Criminal Division Courts Bill, 2018
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platform to do that. The Ministry of Works and Transport has digitized every single driver's permit in its database. They have digitized the records for licensing of vehicles, the registration plates, and the IT technology which operates between the Judiciary, the spot speed cameras. The Ministry of Works and Transport, the traffic officers and the court, are now on a platform that works together.

In those circumstances, the rules allow for us to create the management of traffic violations. After all, at a certain point where your points have crossed a certain position, you may be debarred from your licence; you may have to appear before the court. Certain procedures that will have to be perfected are most nimbly accomplished by the use of rules. We intend, very shortly, to bring a stand-alone piece of legislation to quicken the process of electronic payments specifically for the licensing division. We cannot, as a country, afford to wait for the technocratic team that has been working since 2011, when the legislation came to effect electronic payments, because that exercise is too long for the whole of Government.

It is for that reason that we have taken, separately, court pay systems. We intend to do it for the Registrar General and we intend to do it for the Licensing Authority, and the motor vehicle and trafficking divisions.

Mr. Padarath: Thank you, hon. Attorney General, just on a point of clarification. When you mentioned the specialty courts and you went through various courts: gun court, drug court, et cetera, could you tell us at this point—I know Barbados and Guyana are moving towards the sexual offences court. Could you tell us whether this will be a priority in the next session of the Parliament in terms of bringing that legislation?

Mr. F. Al-Rawi: I thank my learned colleague for the enquiry. We have drafted the Sex Offenders Bill. It is out for public consultation right now. It is a burning and immediate priority for the Government which is why we did the legislation. As soon as we finish the stakeholder commentary in the course of the next couple of weeks, we intend to ask the Cabinet to consider the Bill via the LRC process—the Legislative Review Committee—and we certainly intend to lay that Bill in September. I might also add that it was for that reason that we moved with alacrity to operationalize the DNA Regulations so that after 18 years of having DNA laws on the books of Trinidad and Tobago, we can finally operationalize DNA.

Mr. Padarath: Thank you, AG. Could you also indicate whether or not this would include legislation to effect the sexual offenders registry?

Mr. F. Al-Rawi: Yes, it is that that I was referring to. So the sex offenders registry is to be done by way of legislation, because what is proposed to treat with sex offender on a registration basis in law—because it is something which affects a number of areas: passports; immigration; police, et cetera, protection orders. So, specifically, the DNA laws coming into effect. The hard work of the Member for Point Fortin in operationalizing the DNA structures, in getting the 15,000 swabs, in getting in the legislation to treat with that, in perfecting the regulations, in building out the offices, in getting the DNA custodian, in getting the protective services. All of that excellent hard work that the Member for Point Fortin toiled to do is now about to come to life under these specialty provisions which the Criminal Division Bill specifically contemplates.

In those circumstances, Madam Speaker, I beg to move.

Question put and agreed to.

8.05 p.m.

Madam Speaker: Hon. Members, we shall go into the committee of the whole to resume consideration of the Anti-Terrorism (Amdt.) Bill, 2018, clause by clause.

ANTI-TERRORISM (AMDT.) BILL, 2018

Committee resumed.

Clause 26 reintroduced.

Madam Chairman: The question is that clause 26, as reintroduced, be amended in accordance with the draft now circulated by the Attorney General under list No. 3.

In paragraph (b) delete paragraph (i) and replace with the following new paragraph:

- (i) in paragraph (d), delete all words after the words “22B,” and substitute with the words “in relation to an individual, an entity, or a designated entity; and

Mr. Al-Rawi: Yes, Madam Chair, if I can explain? Madam Chair, the observations coming opposite include the position that what was being proposed by the Joint Select Committee was something which was going in a direction

which should not be followed. The old language which the Joint Select Committee asked us to consider was that under 22AA—and 22AA of the Act is what this clause 26 treats with. So clause 26 treats with section 22AA. The language there was that the FIU should furnish “the Attorney General with information required to facilitate an application under 22B and section 37 spontaneously or upon request;”

The fine-tuned argument put forward lastly by the Member for Oropouche East was that the old power in the old (2)(d) which read as follows:

“furnishing the Attorney General with information required to facilitate an application under section 22B, where a designated entity has funds in Trinidad and Tobago;...” —was something that was safer.

We have described that, pursuant to UNSCR 1377, that countries are now obliged—and it is right throughout the Bill—to move beyond designated entity. So right throughout the Bill we have treated with individuals, entities and designated entities. So in this amendment that we are circulating now, we are proposing to revert to the old language of 22 AA (2)(d), that it would read such as exactly as the old (d) said,

“furnishing the Attorney General with information required to facilitate an application under section 22B...”

“In relation to” is what we are proposing is added now, “an individual, an entity, or designated entity”. So we are moving away from the FIU providing something spontaneously, or of its own volition. We are removing the references to 22B even though—

Mrs. Persad-Bissessar SC: AG, you are keeping 22B.

Mr. Al-Rawi: Sorry. We are removing the references beyond 22B, which is section 37, even though it exists elsewhere. So we are residing with what existed in the old Act as it is. This is the proposal that we asked the House to consider. I hope that I have explained it. I have provided a marked-up version of what it would look like as well for hon. Members to consider, and that marked-up version is demonstrated in blue ink on the 22AA as circulated.

Madam Chairman: Might I just ask for clarification? The words “the relevant” which is how the amended section stands now, is that being outed?

Mr. Al-Rawi: Yes. So what we are doing is we are removing anything that said “furnish the Attorney General with information” beyond what the old (d)

said. The old (d) was confined to “designated entity”. The UNSCR has moved beyond that, and right throughout the Bill you will notice proposals for inclusion for proposal of “entity”, meaning listed entity, “individual”, et cetera. So what we are doing is we are maintaining that.

Madam Chairman: I have heard you Attorney General, but what I am asking is—I understand this further amendment deals with the words after 22B. We have currently standing—two words have been inserted after the “Attorney General with”. So between “with” and “information”, two words were inserted, “the relevant”, and that was passed. So that it will mean that what we are being asked to do—I want to ensure that we are all on the same page. “The relevant” is also being deleted.

Mr. Al-Rawi: We are resiling from what was considered previously and the new amendment is before us.

Madam Chairman: Okay. All right. Completely?

Mr. Al-Rawi: Yes.

Mr. Lee: I am just trying to understand what Madam Chair was saying about the word “relevant”. I am not seeing—

Mr. Al-Rawi: She was looking at what was previously considered in the previous amendments and asking whether this amendment was to be superimposed on that. So for clarity, I am saying forget what we did previously, that is off the table. We are proposing language, as circulated, which takes us back to the old 22(2)(d), except that we are going for “entity” and “individual” as well beyond “designated entity” because the FATF rules tell us that we must do that.

Madam Chairman: Member for Siparia.

Mrs. Persad-Bissessar SC: Thank you, Madam Chair. I appreciate the words of the hon. Attorney General to try to reach middle ground on these amendments. Madam Chair, it is very difficult for us at this time to read these amendments within the context of all the other. I have already raised in this House the difficulty even with the numbering and you mentioned to me we can change the numbering because you have 22AA, BB, A, C, D, E. It is very confusing. [*Crosstalk*] I am sorry.

Mr. Al-Rawi: No, no, it is okay.

Mrs. Persad-Bissessar SC: So where it is now, we again—now we will have to look at these. I do not think I have had sufficient time to deal with such important amendments with respect to these provisions. I do not think—many Members of the House, they may speak for themselves. I want to make a humble suggestion. This is important to you, to us and to the country. Can we be given the time—and then you also undertook to do 28 and 34—and let us come back on Monday?

Mr. Al-Rawi: Could I urge my learned colleague to just—so we are not renumbering anything on this particular one, and the reason why I would urge my colleague to please persevere is so that we can get on the record what would be, so that we could get into our minds what is acceptable. The position that came to us was, go back to your old law—

Mrs. Persad-Bissessar SC: Okay, fine. Madam, just on my first glimpse of this thing reading it, some persons may say this is playing smart with nonsense now in the way that you have put this particular amendment. Furnishing the AG—you take out 37 and you know that might be the only genuine one that you could do as the Central Authority. The AG is the Central Authority. Leave in the 22B, you are now coming back to every person in the country. That was our fear from the very start, that you may have an AG who is a fisherman who is fishing and seeks information on a, b, c, x, y, p, q. That is still very much there. So just on a first reading of it, that is why I am saying we probably need a little more time.

Mr. Al-Rawi: So I have gone back at your recommendation to the old laws. The old law and the old powers as the Member for Caroni Central put it, as the Member for Oropouche East put it, as the Member for Chaguanas West put it, as the Member for Princes Town put it—

Mrs. Persad-Bissessar SC: AG that is being smart with what I said before. It has not gone back to the original. With all due respect it has not gone back.

Mr. Al-Rawi: May I ask this then? So if the old law said simply “designated entity”, is section 22B not the same 22B, the same Attorney General which has existed since 2005?

Mrs. Persad-Bissessar SC: Yes. Yes, it is.

Mr. Al-Rawi: 22B is on the same marked-up version just in front of you. It is just under 22AA.

Mrs. Persad-Bissessar SC: Yes, what is your question Sir?

Mr. Al Rawi: So, if we are there and it is the same formula, the same old law, the recommendation coming from the Opposition was go back to your existing powers.

Mrs. Persad-Bissessar SC: Yes, I agree.

Mr. Al Rawi: Right. The only thing that needs to be caught now is how to achieve the FATF obligation that “designated entity” is too limited. They require you to treat with “entity” and with “individuals”. That is the only thing that is being added beyond “designated entity” and that comes from FATF.

Mrs. Persad-Bissessar SC: You know in the earlier debates, the earlier comments, we said, “Listen, ‘designated entity’ we have no problem with that” because there would have been a process outside of our jurisdiction to designate. There you say the word “designated”, we used the word “listed”. You would have had a process outside of our country. But who would send information to your good self through the Central Authority? Anything comes from outside goes through the Central Authority. And then now—

Mr. Al-Rawi: No, it does not. It comes under 22B, directly to the Attorney General and has—

Mrs. Persad-Bissessar SC: Directly of what?

Mr. Al-Rawi: Of this law. It comes directly to the Attorney General.

Mrs. Persad-Bissessar SC: But that is one of the things we are trying to amend as well.

Mr. Al-Rawi: No, but you see you said go back to the old law. The old law is exactly that. The old law has been since 2005, the Attorney General. I took your specific advice and I went back to the old law. The concern which was pointed out was that any Attorney General can ask a Commissioner of Police for information, and can ask the FIU for information. So further on you will see that we are chopping out entirely the Commissioner of Police giving the AG anything at all. We have cut that off. You would see that in 22B (1A), we delete it..

Mrs. Persad-Bissessar SC: No, but I think we are dealing 22AA. We are not dealing with 22B.

Mr. Al-Rawi: Good.

Mrs. Persad-Bissessar SC: So can you stick to the one that is under consideration because we confuse the issues with two different clauses.

Mr. Al-Rawi: So on 22AA —

Mrs. Persad-Bissessar SC: We are having these argument that are not relevant to the clause in front of us.

Mr. Al-Rawi: Okay. So 22AA says what the old law said, “furnish the Attorney General”, same language in the old (d) “furnish the Attorney General”. “With information required”, the old language, “with information required”. “To under facilitate an application under 22B”, “to facilitate an application under 22B”. So we are word text there. The bit that changes now is instead of just being a “designated entity”, we are going to in “relation to an individual, entity or designated entity” because the FATF rules say that that is what we must do and we did it right through the rest of the Bill. Is there a qualification in language that you wish to that?

Mrs. Persad-Bissessar SC: I am saying you have extended the body of persons who can now be subject to this clause.

Mr. Al-Rawi: Right.

Mrs. Persad-Bissessar SC: Humour me, please. Do not patronize me by saying—

Mr. Al-Rawi: I do not mean to come across that way.

Mrs. Persad-Bissessar SC: That is right. I hope that is not the intention.

Mr. Al Rawi: No, I honestly do not mean it.

Mrs. Persad-Bissessar SC:—by saying that you have taken the old law and you have kept is exactly the same. Yes, you have up to a point, but you still come back and you open the seas, the ocean, where the fisherman can fish.

Mr. Al Rawi: What do you suggest?

Mrs. Persad-Bissessar SC: If you want to do it, you go back there. Once you want to open every person in this country to this fishing expedition, the possibility of fishing, the DPP. I am very strong on that. I will have to consult with my colleagues as well.

Mr. Al-Rawi: So may I ask this? If it said just “designated entity” exactly what the old law said—

Mrs. Persad-Bissessar SC: No problem.

Mr. Al-Rawi:—that would be of no problem for the Opposition?

Mrs. Persad-Bissessar SC: No problem whatsoever.

Mr. Al-- Rawi: Okay.

Mrs. Persad-Bissessar SC: Because you have said it has been there, '05, '6, '7, '8, '9, '10, up to 2018.

Mr. Al Rawi: Correct.

Mrs. Persad-Bissessar SC: Good. And you have been able to get how many orders, 350?

Mr. Al-Rawi: Three hundred and fifty-seven.

Mrs. Persad-Bissessar SC: So that is one aspect.

Mr. Al-Rawi: Maybe with your permission, Madam Chair, in considering the agreement of the Opposition, potentially, in respect of section 22B where we also proposed an amendment, that would be clause 27, may I ask this question? We have proposed in the amendments that we have just circulated that we remove the provision where the Commissioner of Police would report to the Attorney General.

Mrs. Persad-Bissessar SC: AG, where are we?

Mr. Lee: Madam Chair, I am a bit confused with the—

Madam Chairman: One minute. Just one minute.

Mrs. Persad-Bissessar SC: Are we on another clause?

Madam Chairman: Before we go to 27, I would suggest we complete the discussion on 26.

Mrs. Persad-Bissessar SC: So if you are keeping the existing law, well fine, we will vote and take it.

Mr. Al Rawi: Madam Chair, on this clause, in the draft that we have circulated, we will delete the words “to an individual, an entity or”. So it would just read “a designated entity”.

Mrs. Persad-Bissessar SC: So we are reverting to the existing law, is that what it is? We would accept that.

Mr. Al-Rawi: Okay.

Mrs. Persad-Bissessar SC: We will stay with the law. We give the AG no additional powers here.

Mr. Al Rawi: Should it please you.

Mrs. Persad-Bissessar SC: And we will keep whatever powers you already have.

Mr. Al Rawi: Yes.

Mrs. Persad-Bissessar SC: Thank you very much.

Madam Chairman: The question is that clause 26 be amended as follows, and I will read so that I am being assured that we all have it correctly.

“(d) furnishing the Attorney General with information required to facilitate an application under section 22B in relation to a designated entity;”

Is that is?

Mr. Al Rawi: Yes, please.

Mrs. Persad-Bissessar SC: Madam Chair, my colleagues and I, we have not been able to caucus on this. I agree, me, but I have the whip removed from every Member here. So I need to have a consultation. That is what I said earlier. I mean you may operate with your one person tells you yes, and everybody goes. In the Opposition, as you well know, Member for Diego Martin North/East, we do have rebels.

Madam Chairman: Members, could we exercise some—[*Crosstalk*] Members, could we exercise some restraint and tolerance?

Mrs. Persad-Bissessar SC: Yes, Ma’am. Madam, what you read is not what is the existing law. It leaves out where this “entity has funds”.

Mr. Al-Rawi: Madam Chair, I have heard my learned colleague mention the old words “has funds in Trinidad and Tobago”. Sure, if it pleases you. We will not pass Recommendation 6 at FATEF, but at least that is only in one part, and that was Recommendation 6 which was agreed by your Government. So I am just putting it on the record. We will go with the old position and we will have to fight up with the international community on this.

Madam Chair?

Madam Chairman: Attorney General.

Mr. Al-Rawi: Yes, Ma’am. So, Madam Chair, if you will add in those words, “has funds in Trinidad and Tobago” at the end of the sentence.

Mrs. Persad-Bissessar SC: So the identical provision is—

Mr. Al-Rawi: Yes.

Madam Chairman: So just to ensure that we have it correct, the amendment is as follows—just let me read it to make sure before I put the question:

“(d) furnishing the Attorney General with information required to facilitate an application under section 22B in relation to a designated entity;”

Mrs. Persad-Bissessar SC: No, Madam, “where a designated entity has funds in” T&T. The identical in the black (d), that is the—

Madam Chairman: Okay. So:

“(d) furnishing the Attorney General with information required to facilitate an application under section 22B where a designated entity has funds in Trinidad and Tobago; and”

Mr. Al-Rawi: Yes, Ma’am. Yes, please.

Mrs. Persad-Bissessar SC: Going back to the original parent Act. Back to the original parent Act.

Madam Chairman: So if we are back to the original wording, is there an amendment?

Mrs. Persad-Bissessar SC: This is the point, there should be no amendment. There should be none.

Mr. Al-Rawi: Madam Chair, insofar as we have come for a full surgery, we could just delete paragraph (b)(i). So the amendment would be to clause 26, “Delete paragraph (b)(i)”, and therefore it reverts to the old language.

Mrs. Persad-Bissessar SC: I am sorry, Sir, would you be kind enough to repeat?

Mr. Al-Rawi: Yes. So the Bill proposed that in clause 26(b)(i), it proposed surgery to section 22AA(d) in the manner that it did. So if we delete clause 26(b)(i), there would no amendment to section 22AA. Okay? So, Madam Chair, the amendment would be—

Mrs. Persad-Bissessar SC: Agreed. I hope that is how it will work.

Mr. Al-Rawi: So the amendment would be:

In clause 26 delete paragraph (b)(i).

Mrs. Persad-Bissessar SC: Let us see what is clause 26, please. Can I see

the original clause 26 in the amendment Bill? You know something is not right again, Madam. When I go back to the amendment Bill, which has been consolidated with the JSC amendments, I am not finding any clause 26. Maybe I am just not seeing properly at this time of the night. I will be very happy if you can tell me on what page. What page?

Mr. Lee: 377.

Mrs. Persad-Bissessar SC: 3-7-7?

Mr. Al-Rawi: Page 376.

Mrs. Persad-Bissessar SC: 376, okay. Which is the clause we are looking at now? 26. Page 377, I have a clause 24, I have a clause 25—

Mr. Al-Rawi: Continue on.

Mrs. Persad-Bissessar SC: 376 is 23. So I am not going back—

Mr. Al Rawi: Okay, so continue. After 25, just look for the next clause 26. I apologize. Okay. Are you seeing clause 26: “Section 22AA of the Act as amended”?

8.35 p.m.

So depending upon how it was printed, some of the page numbers are different. Clause 26, you will see the second line (b) in subsection (2), by deleting paragraph (d) and substituting this. So we are deleting (b)(i) clean. So there is no amendment.

Mrs. Persad-Bissessar SC: Agreed, Sir.

Mr. Al-Rawi: Thank you.

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clause 27.

Question proposed: That is clause 27 stand part of the Bill.

Mr. Al-Rawi: The Government proposes, Madam Chair, clause 27, which proposes amendments to section 22B of the Act. There was a concern raised that an office holder in the Attorney General’s Office, whomever he or she may be, could obtain information from a commissioner of police, which could expose a political entity to police matters.

That concern grounds itself in the Joint Select Committee's recommendation that (1A), which provides:

“Where a Commissioner of Police receives a referral from the Attorney General under subsection (1), he shall as soon as the results of the investigation are known, provide the Attorney General with relevant results of the investigation required for the purposes of making an application...”

To remove the concern, we are proposing to completely delete that clause.

So, the first amendment that is proposed as appears is to remove the requirement of the Commissioner of Police to provide in that language that information. That, therefore, takes us back to the old position of law.

The next proposal—[*Interruption*]

Mrs. Persad-Bissessar SC: Can we take a break, if you do not want to go home and come back Monday? It is very, very difficult to follow three permutations of these amendments. You have not even read them properly—

Mr. Al-Rawi: Could I, just—

Mrs. Persad-Bissessar SC: With due respect.

Mr. Al-Rawi: Could I just ask that we focus? The mischief raised was that an attorney general could be on some fishing expedition, as it was put, and that a commissioner of police could give him information. I pointed out that under other sections of the old law, the Attorney General has the ability to ask for information. We have 357 applications, we have made at court so far, approved by the High Court, and to remove the concern of the Opposition, which is contained in one clause only, one subsection, we are proposing to remove the subsection. Remove subsection (1A). It is in blue in strikethrough. There is one only clause in blue strikethrough that has been circulated. So we have done a marked up version for you. Yes? Turn it over. Right there, top of the page. Right? So, it is straightforward. That was the concern raised. The Member for Caroni Central said revert to your old powers, the Member for Oropouche East and the Member for Chaguanas West. This is that. Madam Chair, would you? With the indications that they are okay would you?

Mr. Lee: It is very difficult.

Mr. Al-Rawi: It is not difficult, David.

Mr. Lee: AG, if you could indulge me. In our amendments that we had proposed in clause 27, it was about the Attorney General and the powers. Right?

Mr. Al-Rawi: So they were proposed on the back of the fact that there was some new power being given and the recommendation was to go for the old version. We are going for the old version. The old version is—well, remember there are a whole set of them. You have asked for notice to be provided. We have added in notice. You will see it in subsection (3A). It is in blue. So we have provided the notice. We have removed the Commissioner of Police telling the Attorney General anything at all. Is that agreeable?

Mr. Lee: Can you explain the amendment (B), Attorney General?

Mr. Al-Rawi: Sure. The request coming was that any person who was affected by an order of the court, the ex parte order, be served with a copy of the order. It is true that elsewhere in the rest of the law, that notice is provided and the court always orders that notice go. But out of an abundance of caution, we have inserted the language to add that the notice be served.

Mr. Lee: If I can just be a little bit presumptuous.

Mr. Al-Rawi: Sure.

Mr. Lee: Our original concern that we had with clause 27 was the Attorney General, not you, but the Attorney General.

Mr. Al-Rawi: Understood. And it was on the back of the amplification of powers, as you put it.

Mr. Lee: So that, for example 22B, they had “Attorney General”. We had recommended DPP.

Mr. Al-Rawi: Because of the amplification of powers.

Mr. Lee: In (1B) we had recommended DPP.

Mr. Al-Rawi: I got you that, but your argument for the change to DPP was because that there was an amplification of powers. You said that these were new powers and, therefore, the rationale was because these are new, let us move to DPP. So, what we have done is to remove what you considered to be the amplification of powers. It is gone. That was in (1A).

Mrs. Persad-Bissessar SC: If I may? You may be totally correct. This side has not had a proper opportunity to read and study these amendments. And, therefore, I am unable to say yea or nay and may very well have to abstain on these amendments. We have not yet even seen the 34 and the whatever. We have not seen them; 28 and 34.

Mr. Al-Rawi: Madam Chair, to facilitate the fulminations, because my friend is correct, there is some connection between the clauses. With your permission, Madam Chair, we could discuss the clauses in general and then revert to them. Because if—the Member Siparia is correct—you agree to one here, how does it correlate to something else?

Mrs. Persad-Bissessar SC: That is right.

Mr. Al-Rawi: So, we have proposed surgery to the Bill, to take care of the concerns. So if that is permissible, Madam Chair, we can easily deal with it that way.

Mrs. Persad-Bissessar SC: Okay.

Mr. Al-Rawi: Thank you.

Dr. Moonilal: Thank you very much. Thank you, Attorney General. I just want to state at this time that one has to be very careful. Now, while we really, I think we genuinely appreciate the extent to which the Attorney General is responding to some of the concerns raised, even the action to take off the entire (1A), as a response to concerns raised, it is appreciated. But there are two issues I just want to raise. First, I really want to ask the Attorney General and the Government to consider, if it is possible, to go through these amendments, there are some other matters too, smaller maybe, but there are some other issues. Is it possible that we can go through these issues, allow the Opposition some time to look at it and have another Sitting early next week and finalize it, if we can? That is my first issue.

The second, why I tell you, is that while it is good that you take away in a wholesale manner, (1A), when we were in the committee stage remember these things are networked together. They are linked. There is a thread that goes through. Remember we had this issue in (b), for example, where we said that the Attorney General shall cause an investigation to be carried out in respect of an allegation and may, for that purpose, refer to the Commissioner of Police who may cause an investigation. We had a debate as to how can an attorney general mandatorily cause an investigation to a commissioner of police who may investigate? But that is linked to getting results and coming back to the Attorney General.

Now, if we excise (1A), as the proposal is, you still have this issue at the top, which now sounds even more cumbersome, that you shall cause an investigation to somebody who may investigate.

Mr. Al-Rawi: Turn over to section 25(3) of the existing law, which is what you are asking to do. Section 25(3) has exactly that language.

Dr. Moonilal: Okay, so it may be a problem repeating itself. I am not saying it is not there in “20-whatever”. But you understand that this was linked to the results feedback. Remember the concern, you remember, was that what happens now? You shall cause an investigation to somebody who may investigate. That is fine. You still incidentally here, I do not know how it will sync now, but you have in respect of individual entity and so on, that is fine. But, is the Commissioner of Police, have you then given up on that policy objective almost, that the Commissioner would in some way give some feedback as to what has happened to all these matters?

Mr. Al-Rawi: So, the key is this, there will be no obligation for feedback from the Commissioner of Police, but there is a positive obligation under the existing law, section 25(3), for the Attorney General to cause an investigation—because you cannot go to court without evidence or information. So there is that positive step. You are referring it to the Commissioner of Police. He will do with it whatever he wishes to do with it. But he is not coming back under (1A) to tell the Attorney General anything at all. He is not providing him. Subsection (1A) is where he would have to have come back and give information. So, that chops off the complete concern that was expressed during the discussions we have had so far.

Dr. Moonilal: Well then, that—I am hearing you. Then you could also amend 22B (b), because you can just have a referral to the Commissioner of Police. Just have a referral, the Attorney General, shall refer the allegation or whatever it is there.

Mr. Al-Rawi: And that is what it is saying.

Dr. Moonilal: No. When you take off (1A), you go back to B. You can amend that even further to say that you shall just refer it to the Commissioner of Police for whatever action deems necessary.

Mr. Al-Rawi: It is even safer than that. Where the Attorney General receives information on individual entities, et cetera, the entity controlled, et cetera, he shall cause an investigation. That is the language of section 25(3), that is the existing law. That is how we went to court on the 357 occasions. And, he will refer that to the Commissioner of Police who may cause an investigation. And that is it. It is there in the Commissioner of Police’s hands.

The difficulty was, as the Opposition put it, this position of the Attorney General somehow getting information from the Commissioner of Police. So the recommendation from the Opposition was, rely on your existing law. That is what the Members from Caroni Central, Chaguanas West, my learned friend from St. Augustine, you, hon. Member for Oropouche East. We have taken that position and we are not getting any information back. So, this meets squarely and does not relate anywhere else. It is what you asked for.

Dr. Moonilal: Right.

Madam Chairman: Okay?

Mrs. Persad-Bissessar SC: I am unable to say yea or nay at this point in time. I just want the hon. Attorney General who is really trying very hard to understand that.

Mr. Al-Rawi: Sorry to interrupt. May I respectfully remind that this has yet to go to the Senate, where the UNC Bench is present, and we, therefore, have an opportunity in the Senate to treat with this where we would have additional minds as well.

Mrs. Persad-Bissessar SC: No, no, no, no. I am not going to pass this on to six Senators out of a Senate comprised of 32 people.

Dr. Moonilal: And may I remind you that you can go in the Senate and then make wholesale amendments and come back here for a simple majority.

Mr. Al-Rawi: Okay, understood.

Question, on amendment, put.

Mrs. Persad-Bissessar SC: We say no and want a division on that.

The Committee divided: Ayes 21

AYES

Al-Rawi, F.

Rowley, Dr. K.

Imbert, C.

Young, S.

Deyalsingh, T.

Forde, E.

Hinds, F.
 Mitchell, R.
 Cudjoe, Ms. S.
 Garcia, A.
 Crichlow-Cockburn, Mrs. C.
 Robinson-Regis, Mrs. C.
 Dillon, Maj. Gen. E.
 Webster-Roy, Mrs. A.
 Gadsby-Dolly, Dr. N.
 Francis, Dr. L.
 Jennings-Smith, Mrs. G.
 Olivierre, Ms. N.
 Antoine, Brig. Gen. A.
 Leonce, A.
 Smith, D.

The following Members abstained: Mr. D. Lee, Mrs. K. Persad-Bissessar SC, Mr. R. Charles, Dr. S. Rambachan, Mr. F. Karim, Dr. B. Tewarie, Dr. R. Moonilal, Mrs. V. Gayadeen-Gopeesingh, Mr. R. Indarsingh, Mr. P. Ramadhar, Dr. F. Khan, Mr. B. Padarath, Dr. L. Bodoie, Mr. R. Paray, Ms. R. Ramdial, Mr. G. Singh.

Amendment, [Mr. F. Al-Rawi] agreed to.

Question put and agreed to.

Clause 27, as amended, ordered to stand part of the Bill.

Clause 28.

Question proposed: That clause 28 stand part of the Bill.

Mr. Al-Rawi:

- A. In proposed section 22BB, delete the words “the Committee” wherever they occur and substitute the words “the 12676, 1989 and 2253

Committee”.

B. Insert after proposed section 22BE, the following new section:

“Annual report 22BF. The Attorney General shall cause to be prepared and laid in Parliament, an annual report on the number of entities listed in accordance with section 22B.”.

Madam Chair, the Government proposes that we agree with the Opposition’s observation. Sorry, in this one we had noted that “Committee” was the old language, and what we have proposed here is that we use the formula that the Joint Select Committee had done. And that is, instead of the word “The Committee” which is no longer a part of the Bill, we use 1267, 1989 and 2253 Committee. It is just to harmonize the language elsewhere. The Opposition had proposed that we cause an annual report to be laid. The Government has suggested language to that effect, the insertion of a new 22BF, where the Attorney General shall cause to be prepared and laid in Parliament an annual report on the number of entities listed in accordance with section 22B.

I have seen the hon. Leader of the Opposition’s amendments that that be slightly broader to include matters including orders, et cetera, and the language proposed by my learned colleague is agreeable. The language proposed is in need of small bit of surgery, because the entities may be more than listed entities. So we propose that we delete listed entities. And because one could not tell where an ongoing prosecution was, we just simply prefer that we treat with number of prosecutions. So the matters circulated by the Opposition would have read or do reads as follows:

Annual report—the Minister shall cause to be prepared and laid in Parliament an annual report on the ongoing prosecutions, convictions, a list of listed individuals and listed entities and any orders made.

Whereas our own proposes:

The Attorney General—so we have named the Minister because it is the Attorney General—shall cause to be prepared and laid in Parliament an annual report on the number of entities listed in accordance with section 22B.

We can add to this language, “the number of prosecutions”

Madam Chairman: So, Attorney General might I ask? You are moving a further amendment to what has been circulated? Because nothing yet has been

moved by the Opposition. So is it that you are moving a further amendment to your 22BF?

Mr. Al-Rawi: Yes Ma'am, and I will explain how and why and the very simple language. The Opposition proposes the concept of an annual report. They proposed it under a new clause 46. We can neatly take care of that observation in the existing clause 28 by putting in language to marry what we have here in the circulated version. So we propose and agree that an annual report be done. We have said that the Attorney General prepare that report and lay it in Parliament. We went so far as to say the annual report should be on the number of entities listed in 22B, because that is all that the Attorney General does.

The recommendation in the new clause 46 that the Opposition had proposed went further and said the number of prosecutions, convictions and orders, because the orders would include the designated orders, for instance. So we propose to do some surgery to the language which we have circulated at the end of the paragraph which we propose, that is just after the words "section 22B". Yes, we put in a " ," and insert the following:

"the number of prosecutions, convictions and any orders made pursuant to this Act."

And that would therefore capture everything that is in the Act. So we propose to borrow from the language of the proposed new clause 46 and just add it in to our amendment.

Madam Chairman: Leader of the Opposition.

Mrs. Persad-Bissessar SC: The proposed amendment you had is a new clause 46. The Attorney General is right, it could be inserted here, but we put it as a new clause of convenience. We were raising an entirely new issue that was contained nowhere in the amended Bill. So we wanted to insert the annual report.

However, I do not think the AG is not agreeing that the Minister should lay this and not the Attorney General.

Mr. Al-Rawi: So that would be the Minister of National Security?

Mrs. Persad-Bissessar SC: This Bill, if you recall in clause 5, the definition section, does define who the Minister is.

Mr. Al-Rawi: It does?

Mrs. Persad-Bissessar SC: It does. The reason why I thought of the Minister instead of the AG is because it is a wider remit of things.

Mr. Al-Rawi: Sure.

Mrs. Persad-Bissessar SC: It is prosecutions, convictions, and so on, which will fall under, really, national security.

Mr. Al-Rawi: We can take it that way as well.

Mrs. Persad-Bissessar SC: You can consider that.

Mr. Al-Rawi: It would feed in.

Mrs. Persad-Bissessar SC: You see, the AG's role in this, which we have not yet totally agreed to is with the orders made, but that can be obtained from national security—

Mr. Al-Rawi: Sure.

Mrs. Persad-Bissessar SC:—when the Minister is causing the report. So I would humbly suggest you adopt our words and you leave out the AG again. The AG has a lot of work to do.

Mr. Al-Rawi: So, Madam Chair, if that is the proposal then—the Member is correct. There are two “Ministers” involved here. One is national security and one is Attorney General. So insofar as the National Security Minister is defined, we can do that in a new clause 46. That is not a problem, in which case, the Government can remove its proposed amendment at 28, B and we could just stick with 28, A.

Mrs. Persad-Bissessar SC: Which would make matters easier too.

Mr. Al-Rawi: Yeah.

Mrs. Persad-Bissessar SC: So we could just vote on the 28, A. Sorry, we also have amendments to clause 28, but it does not affect the Government's 28, A. So if we do that that way we still have, Madam, a lot of other proposed amendments to clause 28. I have not received anything from the Government on the proposed changes to clause 28. We got 26 and what?

Mr. Al-Rawi: Yes. So clause 28 proposed amendments by the Opposition—ties back to 22AA and 22B, where the Opposition's submission was that the Attorney General was receiving something for the first time, which we disagree on but which we have now sorted out. So these cascading amendments that the Attorney General be substituted by “Central Authority”, which is the Attorney

General, et cetera, these amendments, I think in light of the removal of the concern in 22AA and 22B, I am submitting that they are no longer necessary. But that would be something for you to consider.

Mrs. Persad-Bissessar SC: What is no longer necessary, our proposed amendments to clause 28?

Mr. Al-Rawi: Perhaps, I should let you articulate the amendments then?

Mrs. Persad-Bissessar SC: Well, we have circulated them. They are circulated on page 3 of our circulated amendments. This is the clause in fact where “The Central Authority” is being proposed. I know with clauses 22 and 26, Members on the other side were talking about Central Authority. This is where “The Central Authority” is dealt with finally.

9.05 p.m.

Mr. Al-Rawi: Madam Chairman “forgive” me. There is some few something that we omitted, because we had not circulated it. But on picking up on the submissions, if Members looked to 22BE which is what the circulated amendments of the Opposition include.

Mr. Lee: Twenty-two, what?

Mr. Al-Rawi: BE. B, E. “Attorney General to receive requests for declaration of”—“listed entities.” Yes? Okay. Subsection (3), in light of the amendments that we made at 22AA and 22B, we would need to delete subsection (3).

Mrs. Persad-Bissessar SC: Why are these underlined? Why is it underlined?

Mr. Al-Rawi: Yes, to be consistent with the amendments. So, we are proposing, that we delete 22BE, subsection (3), to be consistent with what we did in clause 26 and clause 27. Sorry, (4), it is (4). Right, not (3), it is (4). Subsection (4) is where the Commissioner of Police receives a referral from the AG that he must inform the AG. So, consistent with the amendments we just made to clause 26 and clause 27. We are proposing to remove the Commissioner of Police telling the Attorney General anything.

It means therefore, 22BE, the request from the Opposition is change “Attorney General” to “Central Authority”. The Attorney General is the Central Authority. And, therefore, I respectfully submit that it is the same person, the same entity.

Mr. Lee: 22BE (4)?

Mr. Al-Rawi: Yes.

Mr. Lee: The entire subsection (4).

Mr. Al-Rawi: In its entirety. Delete the whole subsection (4). That will keep us consistent with what we did earlier in clause 27.

Mr. Lee: Now, we had also proposed a subsection (4):

“Where the Commissioner”—“receives a referral from the Central Authority under subsection (3), he shall as soon as the investigation is completed to the Director of Public Prosecutions a report of the investigation required for the purposes of making an application.”

Mr. Al-Rawi: Got you, and my submission to that, is that, is that what the DPP would have to do anyway. The police and the DPP work hand in hand.

Mr. Lee: So what does that mean? You okay with this clause?

Mr. Al-Rawi: Well, it is not necessary, because actually what will happen is that you are going to compel a step between DPP and the police.

Dr. Moonilal: There is another matter. Again, if you delete (4), the next one which in my mark-up here looks like 4(5).

“(5) Where on the basis of an investigation under subsection (3), the Attorney General is satisfied...”

But you have subsection (3) to remain, where the Commissioner of Police may cause an investigation. But how could the Attorney General be satisfied, if he did not receive any results or feedback or whatever—

Mr. Al-Rawi: Because of section 25(3). So, section 25(3) says, in the old law, wherever the Attorney General has to do something, he shall cause an investigation.

Dr. Moonilal: Who is investigating?

Mr. Al Rawi: The Attorney General would have to do his own investigation.

Dr. Moonilal: So the Attorney General becomes an investigator in the matter?

Mr. Al-Rawi: The investigation which is done, is that you cause enquiries to be made, and you condescend to them in an affidavit.

Dr. Moonilal: No. But how—you see this is a problem that was raised before. How, under what law? Under what administrative structure as well, does the Attorney General cause an investigation? Does the Ministry of the Attorney General house investigators, police officers, detectives, that was an issue raised. So, who is investigating? And when you get these results of that investigation which may not be the police, then you act under 4(5)?

Mr. Al-Rawi: Let me answer where. So, the specific law which provides for this, is the Anti-terrorism Law, since 2005, section 25(3). It has been done 357 times already by 357 Orders of the High Court of the Republic of Trinidad and Tobago between November 2015 and today's date.

Secondly, the causing an investigation to be done is so that there is a positive obligation to present evidence to the court. What that investigation involves is what those 357 affidavits have stated. This is what was done, we wrote off to X place the Attorney General under MLAT asked for so and so. But from the Mutual Assistance to Criminal Matters Act, we referred something to the Commissioner of Police, we do not know what is happening there. We referred it to the FIB, we referred to the FIU, et cetera. And that is what an investigative step is. Because the FATF requirements which cause section 25(3) to come to life. Since 2005, straight through to today's date, they say that you cannot just act capriciously. You must take a positive step.

So, this has been the law for a very long time now and that is the answer to the position. But I will remind as well, these referrals come under, for instance, entities such as the ACIB, the Anti-Corruption Investigation Bureau which under Attorney General, Ramesh Lawrence Maharaj, came to life and received requests for investigations, et cetera. So, there are multiple avenues that exist in law and have for a very long time.

Mrs. Persad-Bissessar SC: Madam, again. I cannot marry all these clauses together. And therefore I am not in a position to say yea or nay to the proposed amendments. And therefore we may have to abstain on this particular amendment. It may all be very well good. But this thing is so interlinked one clause to the other, this piecemeal way of us looking at it tonight, with the greatest of—AG. I know how hard you are trying, you may be doing it perfectly well. But we are not in a position to say yea or nay without reading the thing in the entire context. So, that is my submission, respectfully.

Mr. Al-Rawi: I understand my learned colleague's position. It is for this reason that we went to the Joint Select Committee and spent 15 sessions

managing this affair. So the correlations here, what is definitely observable is that 22BE (4) should come out. Consequent with the amendments we just made to clauses 27 and 26. Once that comes out, all that is left on the table by the Opposition's recommendation is change "Attorney General" to "Central Authority" and I am saying Attorney General is Central Authority. So we are in a safe zone there. So the two match up, because nobody else is the Central Authority other than the Attorney General.

Mrs. Persad-Bissessar SC: What is the objection putting "Central Authority"? If it is one and the same?

Mr. Al-Rawi: Well, that was your recommendation, put in "Central Authority" and I am saying "Central Authority" is the Attorney General.

[Electronic device goes off]

Madam Chairman: Could the Member with the device just go outside, please and deal with—thank you. *[Crosstalk]*

Mr. Al-Rawi: So, Madam Chair, in clause 28, the Government proposes that there be a deletion of 22BE subsection (4) with a consequential renumbering which will flow automatically. So, we do not need to say that. So we propose that clause 22—sorry, that clause 28 be amended by the deletion of section 22BE subsection (4).

Madam Chairman: Hon. Members, the question is that clause 28 be amended as follows:

"A.In"—the—"proposed section 22BB, delete the words 'the Committee' wherever they occur and substitute the words 'the 1267, 1989 and 2253 Committee'."

And also to delete sub clause 22BE (4).

Question put.

I think it was clear. Madam Clerk

The Committee divided: Ayes 21

AYES

Al-Rawi, F.

Rowley, Dr. K.

Imbert, C.

Young, S.
Deyalsingh, T.
Forde, E.
Hinds, F.
Mitchell, R.
Cudjoe, Ms. S.
Garcia, A.
Crichlow-Cockburn, Mrs. C.
Robinson-Regis, Mrs. C.
Dillon, Maj. Gen. E.
Webster-Roy, Mrs. A.
Gadsby-Dolly, Dr. N.
Francis, Dr. L.
Jennings-Smith, Mrs. G.
Olivierre, Ms. N.
Antoine, Brig. Gen. A.
Leonce, A.
Smith, D.

The following Members abstained: Mr. D. Lee, Mrs. K. Persad-Bissessar SC, Mr. R. Charles, Dr. S. Rambachan, Mr. F. Karim, Dr. B. Tewarie, Dr. R. Moonilal, Mrs. C. Newallo-Hosein, Mrs. V. Gayadeen-Gopeesingh, Mr. R. Indarsingh, Mr. P. Ramadhar, Dr. F. Khan, Mr. B. Padarath, Dr. L. Bodoe, Mr. R. Dr. L. Paray, Ms. R. Ramdial, Mr. G. Singh,

Amendment, [Mr. F. Al-Rawi] agreed to.

Question put and agreed to.

Clause 28, as amended, ordered to stand part of the Bill.

Madam Chairman: May I ask whether we can take clauses 29 to 33 as a block? Okay, I have been told we did 29 to 33 already. So can we do clause 34.

Mrs. Persad-Bissessar SC: Madam, can I bring to your attention, Standing Order 70:

“Procedure in Committee of the Whole House on a Bill.

(1) The Clerk”—of the—“Committee of the Whole House shall call the number of each clause in succession—”

—so we are now going to 34.

“(a) the Chairman shall propose the question ‘*that the clause stands part of the Bill*’:

(b) a discussion shall ensue, during which amendments may be moved. Amendments must be in writing and handed to the Clerk for circulation;”

We did one just now that did not happen. We are going to do 34 again; we have nothing before us and the May’s makes it very clear.

Mr. Al-Rawi: We have your amendments which we are going to consider on 34. So the only amendments left are yours.

Dr. Moonilal: We considered your oral amendments.

Mr. Al-Rawi: And we have done that before.

Madam Chairman: Just one minute—

Mrs. Persad-Bissessar SC: Just for clarification, please, Madam.

Madam Chairman: Just one minute. Even though we have the Standing Orders. I am also of the view that the House regulates its procedure. We took the other clauses where there were no objections by agreement earlier. And we left the matters that were—

Mrs. Persad-Bissessar SC: Contentious.

Madam Chairman: Contentious for now. As far as I understand, we are now onto clause 34, but I only have one amendment before me. So that I take it that there is no amendment coming from the Government.

Mr. Al-Rawi: There will be consequent upon what we decided in other clauses to harmonize. We would need to delete a particular provision which went in. Which is again where the Commissioner of Police is obliged to give information back to the Attorney General. So, we will be proposing a simple deletion which could be taken in the body of the amendments proposed by the Leader of the Opposition.

Madam Chairman: We will leave that for the discussion and then we will see what happens. Okay, so that—

Clause 34.

Question proposed: That clause 34 stand part of the Bill.

Mr. Al-Rawi: Madam Chairman, to take care of the amendments proposed by my learned colleagues and in uniformity with the amendments made to clauses 26 and 27, we propose—

Madam Chairman: Attorney General, might I suggest because what is being circulated here. I turn to the Leader of the Opposition, let her propose her amendments and then you can—all right, please. Leader of the Opposition.

Mrs. Persad-Bissessar SC: Clause 34:

Section 25 is amended —

- (a) In subsection (3) delete the words “the Attorney General” and substitute the words “the Director of Public Prosecutions” where ever it appears.
- (b) Delete proposed subsection (3A).
- (c) Delete subsection (4A).

I beg to move that the amendments as proposed in the lists of amendments circulated by the Opposition with respect to clause 34 be considered by this committee. There are to be found at page 4 of the five-page document, which has been circulated.

Mr. Al-Rawi: Madam Chair, we agree with the Leader of the Opposition’s proposed amendment at clause 34, (b) where the Leader recommends that we delete the proposed subsection (3A). If subsection (3A) comes out then we fall back to the old law and therefore we are suggesting that there would be no need to change Attorney General to DPP, consistent with what we did in clause 26, clause 27 and clause 28.

[Mrs. Persad-Bissessar SC confers with Mr. Lee and Mr. Al-Rawi]

Mr. Lee: Madam Chair, given what we have been going through here and the Attorney General with all due respect, the change that he has suggested based on what we had suggested might be all well and fair and fine but, we really need some time to really look at these amendments. I mean given, you know, we have been at this thing, I mean—

Mrs. Persad-Bissessar SC: We can break for two hours.

Mr. Lee: Some of us, I mean—I want to be fair that some of us have looking at this colour coded thing for hours now and after a while it does start to play on your eyes, Madam Chair, and that is with all due respect.

Mrs. Persad-Bissessar SC: Sorry, Madam, it is the interconnection of the clauses when you read one part of a clause there are about 30 other pieces. What do I think it is? A very complicated Bill.

Madam Chairman: Members, please. Member for Caroni Central, I recognize the Member of Caroni Central, please.

Dr. Tewarie: Madam Chair, I want to endorse the position of the Chief Whip and the Leader of the Opposition. The Attorney General himself in the presentation of these things have made very, very small errors along the way which he has corrected. You yourself, Madam Chair, you just made an error which you corrected. I think what has happened is that the inundation of all of this information with all the colour coding and trying to make ultimately coherence of it, presents a difficulty. This is a big, important Bill with national and international implications having to do with the management of terrorism, as well as the management of the civil rights of the people of Trinidad and Tobago. [*Desk thumping*]

I would suggest humbly, in keeping with the position of the Leader of the Opposition, that we go home, come back, deal with this coherently and finish the Bill on another day. [*Desk thumping*]

Dr. Rowley: Madam Speaker, Madam Speaker, I just want to go on record to tell the Opposition that we understand exactly what they are doing. The Opposition has no intention of voting for this Bill. [*Desk thumping*] And all they are doing, Madam Speaker, all they are doing Madam Speaker, is obstructing and delaying and they have no intention of voting for this Bill. [*Crosstalk*] Madam Speaker—

Madam Chairman: Just a minute, please. Hon. Members, hon. Members! I appreciate it is late—Member for Couva South, please and Member for Oropouche East, I have told you that I do hear you. Okay. I know it is late and I will ask us all to find within us what might be the last threads of tolerance and respect. Let us hear each other. Okay?

Mrs. Persad-Bissessar SC: When we get tolerance and respect, we will give it back, Madam Speaker.

Madam Chairman: Member for Siparia, Member for Siparia! [*Crosstalk*] I would also say, again, that I think it is late and we all need to be tolerant, and I keep reminding us of something the Member for Tabaquite has said: “If we all take an eye for an eye, we will all be blind”.

Dr. Rowley: Madam Speaker, the Government has heard the Opposition on a previous day with respect to these amendments. We went away; we had offerings to the Opposition; we had meetings, time has passed, nothing happened. The Opposition has not cooperated, outside of this sitting, outside of this Chamber to advance anything. We have come back here today, we are going through the amendments, amendments that they themselves have put and all of a sudden they cannot understand the amendments because they have to go to the bathroom, they are tired, they sleepy, they are weary and now they are asking us—[*Crosstalk*]—

Madam Chairman: Members.

Dr. Rowley: They are asking us, Madam Speaker, [*Continuous crosstalk*] they are asking us to stop the work, to stop the work that they have—

Madam Chairman: Member for Diego Martin West, one minute, please. Member for Princes Town. Member for Diego Martin West, Member for Diego Martin West! Please. Member for Princes Town, Member for Princes Town! [*Crosstalk*] Member of Diego Martin North/East.

Mr. Imbert: I asked to speak, Madam Speaker.

Madam Chairman: And that is why, because you did not ask to speak.

Mrs. Robinson-Regis: Madam Speaker. AG?

Mr. Al-Rawi: Hold on. Madam Chair. I am humbly requesting please to my learned colleagues all [*Crosstalk*] if I could just ask us to please focus we have one more clause, just one more clause. Could I please just ask us to focus on this?

Mrs. Persad-Bissessar SC: We would like to respond. It cannot be that we cannot respond to allegations made against us—

Madam Chairman: One minute, please. I recognize the Member for Siparia.

Mrs. Persad-Bissessar SC: I thank you very much, Madam Speaker. First of all, on several [*Crosstalk*] occasions in the committee stage.

Madam Chairman: Member, Member for Siparia, one minute, please. Members, I have asked us all to calm down and be respectful. I give audience to the Member for Siparia.

Mrs. Persad-Bissessar SC: Thank you, Madam Chairman. It is totally untrue that we came to this committee stage with every intention not to pass this Bill. [*Desk thumping*] That is totally untrue. We could have not even presented any amendments, let us start here. And just come here and say no. [*Desk thumping*] We came, we came—can I have my turn to speak, and others can speak after? We came in the committee stage [*Crosstalk*] with amendments, one which we had signaled since the debate. We came here today—

Madam Chairman: Just one minute, please. Just one minute, please. Member for Siparia.

Mrs. Persad-Bissessar SC: We came today several points put by the hon. Attorney General, we have accepted, in fact we tried to signal how much we were in support of this by asking for divisions along the way. Because, we know, we know, we know the news that will go.

Madam Chairman: Member for Diego Martin North/East. I will grant you an opportunity to speak in the proper way all right, please.

Mrs. Persad-Bissessar SC: So the allegations being made by the none other than the hon. Member for Diego Martin West that we have no intention is scripting a narrative out there that that is what we came—[*Desk thumping*]—when that is not the case.

And I want to put it on the record we very much would like—look our members in the JSC raised concerns even from then. I told them look you all sign through with it we will work it through the committee stage. So at every point we have been willing, we have been willing to incorporate. We agree to the JSC—

Madam Chairman: Members.

Mrs. Persad-Bissessar SC: We operated in the JSC. Yes, we signed the JSC. So it is—therefore it is not true to say that we never intended to support this matter. The Parliament is not a rubber stamp for a JSC. [*Desk thumping*] Even the Government on its own has come here with amendments to what they signed off in the JSC. [*Desk thumping*] Today's amendments, and that is why the Parliament has the last say and not just this House, the other place too. So you cannot accuse us of going against a JSC—we will not rubber stamp.

Totally, untrue that we did not intend—will never support the Bill totally untrue. I place that on record here today. [*Desk thumping*]

Mr. Al-Rawi: Thank you, Madam Chair. I appreciate the submissions of all my colleagues. I understand that this is important for all of us. We are nearly at the end. We have one clause effectively left. This particular clause that we are treating with right now, the amendment to this clause that the JSC proposed, section 25—

Mrs. Persad-Bissessar SC: Clause 34 we are dealing with.

Mr. Al-Rawi: Yes, so clause 34 treats with an amendment to section 25 of the Act. The substantive amendment that this clause was causing was the insertion of this position that the Commissioner of Police should tell the Attorney General the results of his investigation. We have recognized in clauses 26 and 27 that we should remove that. All that I am proposing is exactly what has been proposed by the hon. Leader of the Opposition that we delete this subsection (3A) that is in the amendment proposed by my learned colleague, Member for Siparia. So, I agree with the Member for Siparia that we remove this (3A) exactly as it is set out in recommendation (b).

9.35 p.m.

Now, clause 4, the recommendation to delete subsection (4A) is something which did not feature in the Bill itself. So (4A) is not being amended at all by the Bill. This (4A), even though prescriptively we cannot treat with it, (4A) says:

The Attorney General and DPP shall consult in relation to international law practice, international relations and prosecutions by a foreign state.

That is just an acknowledgment of the Mutual Assistance in Criminal Matters Act, where the Central Authority does that under that legislation. So it is not something that it is untoward. It has been in existence since 2005, straight to today's date. I just wanted to address it even though, technically, the Bill does not treat with it and, therefore, we cannot delete (4A), the position is that this is exactly the mutual assistance for extradition issues that the AG and the DPP treat with. It has been the law since 2005.

So we agree with the Opposition, remove the reference to the Commissioner of Police giving information to the Attorney General and, therefore, respectfully that then takes care of the need to change from AG to DPP and that constitutional argument. So we have given that which was asked. I am asking hon. Members opposite—this is a very simple position here—to treat with it and treat with that position. We have one more clause after this to treat with effectively.

Madam Chairman: Leader of the Opposition, do you want a lil time?

Mrs. Persad-Bissessar SC: The Opposition is the same, Madam. I am unable to say yea or nay at this point in time. [*Crosstalk*] My amendment is not just (a). In (b) there is a part (a) which I still stand on with respect to the role and powers of the hon. Attorney General. So do not say my own amendment.

Mr. Al-Rawi: Okay. So, Madam Chair, I understand my learned colleague. The recommendation coming from the Opposition that you install the DPP came on the back of three clauses: section 22AA where the FIU was giving the Attorney General something. That has been amended to take care of that.

Section 22B where the Commissioner of Police was giving the Attorney General information, we removed that. The third one is section 25 as it is set out here, (3A) we are removing that. If those have been removed, then as the Member for Caroni Central puts it, as the Member for Oropouche East puts it, as the Member for Chaguanas West puts it, we are going back to the old law and the old law is what we have been assessed on. We have been assessed by FATF in 2005, 2010, 2015, first round, second round, third round and fourth round mutual evaluations, they have assessed this law. So that causes us to go with the law that we have, the existing law. So, in those circumstances, I am asking my learned colleagues that we accept the deletion as proposed by the Leader of the Opposition of subsection (3A) only.

Mrs. Persad-Bissessar SC: It does not satisfy what you asked for. [*Crosstalk*]

Madam Chairman: Member for Siparia.

Mrs. Persad-Bissessar SC: Yes, Madam. My position is, I am unable at this point in time to say yea or nay.

Mr. Al-Rawi: So could you put the question?

Madam Chairman: So the question is that clause 34 be amended to delete subsection (3A).

Question, on amendment, [Mr. F. Al-Rawi] put and agreed to.

Question put and agreed to.

Clause 34, as amended, ordered to stand part of the Bill.

Mrs. Persad-Bissessar SC: No. No. There is still subsection (4A). That has not been put.

Mr. Al-Rawi: I see. To put each one?

Mrs. Persad-Bissessar SC: Well, Madam has only done one. So what would happen to the rest of it?

Mr. Al-Rawi: I think she has put it as the Government's recommendation in light of yours. So, you will be correct. Madam Chair, you will have to put the Leader of the Opposition's recommendations. This is simple. [*Crosstalk*]

Madam Chairman: The question is that clause 34(a) be amended as follows—

Mrs. Persad-Bissessar SC: Madam Chair, it is not 34(a).

Mr. Al-Rawi: Yes, it is your 34(a).

Madam Chairman: The question is that clause 34 be amended as follows:

In subsection (3) delete the words “the Attorney General” and substitute the words “the Director of Public Prosecutions” wherever it appears. [*Crosstalk*]

Question put.

Madam Chairman: Members, could we just have everybody's attention to make this process easy. The question is that clause 34 be amended as follows.

In subsection (3) delete the words “the Attorney General” and substitute the words—

Mr. Al-Rawi: Madam Chair, I am sorry to interrupt you but, perhaps, it is in the best interest that we do cause an adjournment. I believe that the Leader of Government Business may wish to intervene at this point. [*Crosstalk*]

Mrs. Robinson-Regis: Madam Chairman, I think given what the Members of the Opposition have been saying, that we will adjourn to Wednesday. Do you need to resume the House, Ma'am?

Madam Chairman: Well, if I anticipate—

Mrs. Robinson-Regis: Yes, Ma'am.

Madam Chairman:—what is being proposed, the Clerk will give you the procedure.

Mr. Al-Rawi: Madam Chair, in accordance with Standing Order 70(14), I beg to move that progress be reported to the House.

Question put and agreed to.

Madam Chairman: The House will now resume. This committee session is suspended.

House resumed.

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, in accordance with Standing Order 70(14), I wish to report that progress to the Bill was made—clauses 1 to 34 of the Bill—and that they were considered in the committee of the whole. I seek the leave of the House to sit again on Tuesday, July 03, 2018 for the resumption of the proceedings. [*Desk thumping*]

Madam Speaker: Is the House prepared to grant leave?

Assent indicated.

Madam Speaker: Hon. Members, leave having been granted, the committee stage of the Anti-Terrorism (Amdt.) Bill, 2018, will resume on Tuesday, July 03, 2018. Leader of the House.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that the House do now adjourn to Tuesday, July 03, 2018 at 1.30 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.45 p.m.