



REPUBLIC OF TRINIDAD AND TOBAGO

Debates of the House of Representatives

5th Session – 10th Parliament (Rep.) – Volume 33 – Number 23

**OFFICIAL REPORT
(HANSARD)**

THE HONOURABLE WADE MARK
SPEAKER

THE HONOURABLE NELA KHAN
DEPUTY SPEAKER

Friday 20th February, 2015

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HOUSE OF REPRESENTATIVES*Friday, February 20, 2015*

The House met at 1.30 p.m.

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

The Clerk: Hon. Members, in accordance with Standing Order 7(3) I am to advise that the Speaker is unavoidably absent and as such the Deputy Speaker will be presiding.

Madam Deputy Speaker: Hon. Members, I have received communication from the following Members: Mr. Patrick Manning, Member of Parliament for San Fernando East who has asked to be excused from today's sitting of the House; the hon. Delmon Baker, Member of Parliament for Tobago West who is currently out of the country and has asked to be excused from today's sitting of the House.

The leave which the Members seek is granted.

PAPERS LAID

1. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguaramas Development Authority for the year ended September 30, 2006. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguaramas Development Authority for the year ended September 30, 2007. [*Hon. R. Indarsingh*]
3. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguaramas Development Authority for the year ended September 30, 2008. [*Hon. R. Indarsingh*]
4. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguaramas Development Authority for the year ended September 30, 2009. [*Hon. R. Indarsingh*]

5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statement of the Princes Town Regional Corporation for the year ended September 30, 2007. [*Hon. R. Indarsingh*]

6. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statement of the Princes Town Regional Corporation for the year ended September 30, 2008. [*Hon. R. Indarsingh*]

Papers 1 to 6 to be referred to the Public Accounts Committee.

7. Audited financial statements of TAURUS Services Limited for the financial year ended September 30, 2012. [*Hon. R. Indarsingh*]

To be referred to the Public Accounts (Enterprises) Committee.

8. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2004. [*Hon. R. Indarsingh*]

9. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2005. [*Hon. R. Indarsingh*]

10. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2006. [*Hon. R. Indarsingh*]

11. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2007. [*Hon. R. Indarsingh*]

12. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2008. [*Hon. R. Indarsingh*]

13. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2009. [*Hon. R. Indarsingh*]

14. Report of the Auditor General on the financial statements of the Heritage and Stabilisation Fund of the Republic of Trinidad and Tobago for the year ended September 30, 2014. [*Hon. R. Indarsingh*]

Papers 8 to 14 to be referred to the Public Accounts Committee.

Papers Laid

Friday, February 20, 2015

15. Report of the Central Bank of Trinidad and Tobago with respect to the progress of the proposals to restructure CLICO, BAT and CIB for the quarter ended December 31, 2014. [*Hon. R. Indarsingh*]
16. Audited Financial Statements of Tourism Development Company Limited for the financial year ended September 30, 2012. [*Hon. R. Indarsingh*]
17. Annual Report of the Financial Intelligence Unit of Trinidad and Tobago (FIUTT) for the period October 1, 2013 to September 30, 2014. [*Hon. R. Indarsingh*]

Papers 15 to 17 to be referred to the Public Accounts (Enterprises) Committee.

PRIME MINISTER'S QUESTIONS

Witness Tampering and Witness Protection (Government's View On)

Dr. Keith Rowley (*Diego Martin West*): Thank you, Madam Deputy Speaker. Question number one to the Prime Minister.

What is the Government's new policy on witness tampering and witness protection? If there is no new policy, what is the current policy which is in effect?

Madam Deputy Speaker: Hon. Prime Minister. [*Desk thumping*]

The Prime Minister (Hon. Kamla Persad-Bissessar SC): At the outset, let me say that my Government has taken the toughest stance possible on the issue of witness tampering. Indeed, it was our Government which passed the amendment to the Miscellaneous Provisions (Administration of Justice) Act, 2014. That Act was assented to on September 10, 2014, and in that Act we amended the Criminal Offences Act to create a new offence of obstruction of justice. Therefore, our policy on witness tampering is codified in this law which was passed in this Parliament with the Leader of the Opposition sitting here, being part of that debate in this House.

Maybe—I do not know—I wonder whether the hon. Leader of the Opposition may be still “bazodie” and does not recall that we in this House passed an amendment to the law to allow—to codify—an offence of witness tampering, and I have the section here. It is Part III of the Miscellaneous Provisions

(Administration of Justice) Act, 2014. In this, Part III creates the criminal offence as follows:

- “11(2) A person who knows, or reasonably believes that another person is assisting in the investigation of an offence or a witness or potential witness in any judicial proceeding, whether civil or criminal, and uses threats, force, bribery or any other means to—
- (a) intimidate or dissuade that other person from assisting in the investigation or giving evidence; or
 - (b) influence that other person to give false evidence, withhold true evidence, not attend court as a witness, or not produce any document, record or other object in evidence,
- commits an offence.”

And the penalties for this offence of witness tampering, in common parlance, is:

“conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for twenty years.”

So that is the Government's policy which has been codified in the laws of Trinidad and Tobago. We did other things with witness protection and so on, but I think this is the main codification in statute law with respect to witness tampering.

I thank you very much, Madam Deputy Speaker. [*Desk thumping*]

Dr. Rowley: Madam Deputy Speaker, I wonder if the Prime Minister would tell us a little bit of the other part of the question which is witness protection. You spoke about witness tampering, and I thank you very much for that, and I was very much aware of it. I am asking you now if you will say anything on witness protection, as the question did request.

Hon. K. Persad-Bissessar SC: Certainly we can do so. Again, Madam Deputy Speaker, with your permission—with your leave—I think we want to understand, I have 14 questions to answer. That gives me two minutes per answer—28 minutes—and we only have 30 minutes. So in terms of how many supplementals per question that we can deal with, how detailed the answers can be, [*Interruption*] I think that should be noted for general information.

On the issue of witness protection and justice protection—with respect to witness protection, we want to know that legislation already exists in the form of the Justice Protection Act which was assented to on October 27, 2000. It provides establishment of a programme for the protection of witnesses and other persons.

Our Government paid particular attention to the witness protection programme, such that thus far in this term, there have been no incidents of tampering with witnesses under the Justice Protection Programme.

That Act sets out the policy for witness protection broadly, and the Justice Protective agency created by the Act is headed by Colvin Bishop. The Justice Protection Programme deals with the protection of vulnerable witnesses, once identified, and witness tampering is dealt with by the police under the usual procedures, so that they can act according to their own protocols and regulations in dealing with what would be clearly offences.

Dr. Rowley: Thank you very much.

Mr. David West
(Discussions among Cabinet Members)

Dr. Keith Rowley (*Diego Martin West*): Prior to the Prime Minister's offering the candidacy of Mr. David West as Chairman of the Police Complaints Authority, were there any discussions with any Member or Members of the Cabinet, and was the former Attorney General, Anand Ramlogan, one such Member?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you. The name of Mr. David West was never discussed in the Cabinet. Instead, His Excellency the President of the Republic of Trinidad and Tobago wrote to me, and I suspect also to the hon. Leader of the Opposition, because in the law this is a provision where the President acts to make the appointment on the advice of a consensus with the Leader of the Opposition and the Prime Minister.

Letter dated September 02, 2014, His Excellency indicated that he received an instrument for the resignation from the then head of the Police Complaints Authority and he drew to my attention section 6 of the Police Complaints Authority Act which spoke about the joint advice of both the Leader of the Opposition and myself, and said that he looked forward to hearing from me on the result of this process.

Having received this letter, in the Cabinet I asked for recommendations. The Attorney General (former) and the Minister of National Security (former) may have been, or would have been present. So assuming, but not admitting they were present on that day when I asked the entire Cabinet for recommendations—so that the name of Mr. West was not discussed in the Cabinet.

Prime Minister's Questions
[HON. K. PERSAD-BISSESSAR SC]

Friday, February 20, 2015

Thereafter, seeking recommendations, I received recommendations orally from several Ministers and I received the recommendation from former Minister of National Security, Mr. Gary Griffith, orally; the recommendation being that of Mr. David West. Thereafter, I spoke with the hon. Leader of the Opposition. I think we were supposed to have a meeting and the hon. Leader could not make it on that day. We spoke on the telephone. I indicated that I had the recommendation of Mr. David West, seeking his view on it. He indicated he will call me back. He did call me back and said, let us proceed with Mr. David West.

In addition, the hon. Leader of the Opposition wrote to me on November 03, 2014 which says:

Further to our recent conversation, it is my recommendation that Mr. David West is eminently qualified and suitable to be appointed to fill the existing vacancy. It is my expectation that we should advise His Excellency accordingly so this necessary appointment be made with greatest dispatch.

Having received the letter of November 03, 2014 from the hon. Leader of the Opposition, I then wrote to His Excellency the President, attaching the letter from Dr. Keith Rowley and advising His Excellency that we had both agreed on Mr. David West to be the chairman. I also wrote to Dr. Rowley on November 04, 2014:

Thank you for your timely response in this matter, on the appointment of a Director of the Police Complaints Authority. Enclosed find a copy of the letter that was sent to His Excellency, President Carmona.

So that was the state of play. In terms of discussions in the Cabinet, the Attorney General or any member of the Cabinet, no member of the Cabinet was apprised of the name of the person being proposed to be the Director of the Police Complaints Authority. I followed it through on recommendations and in my own judgment I felt that Mr. West, as recommended by the Leader of the Opposition and myself, would be suitably qualified for that position.

I thank you, Madam Deputy Speaker. [*Desk thumping*]

1.45 p.m.

Mr. David West
(Witness in Private Civil Lawsuit)

Dr. Keith Rowley (*Diego Martin West*): When did the Prime Minister know that Mr. David West was a witness in a private civil lawsuit filed by the former

Attorney General Anand Ramlogan in a matter which he was prosecuting against the Leader of the Opposition?

Madam Deputy Speaker: Prime Minister.

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you, Madam Deputy Speaker. Like others in the country, I learned of this matter in the month of January 2015, when the matter was reported in the newspaper. I think this begs a question: when did the hon. Leader of the Opposition know [*Desk thumping*] that Mr. West was his witness and whether the hon. Leader considered that under the Integrity in Public Life Act that one cannot use the office to confer a benefit either directly or indirectly onto himself through a recommendation? I repeat, at no time did the hon. Leader of the Opposition indicate to me that Mr. West was his witness in a private lawsuit.

Dr. Rowley: Is the Prime Minister telling this House that at no time during the contact and discussion and preparations for her recommendation for Mr. West to become Chairman of the Police Complaints Authority, that the Attorney General of the day say to her that he knew of Mr. West as a witness in a private lawsuit which he was prosecuting? And I will admit, I did not discuss it with the Prime Minister because as far as I was concerned—[*Interruption*] with the Prime Minister—there was no requirement to discuss it with the President because as—[*Interruption*] We will get there. The question is—do I have the floor? Am I allowed to ask the question?

Madam Deputy Speaker: Yes, you are allowed to ask the question.

Dr. Rowley: Is the Prime Minister saying to this House that up until the 18th of January the Attorney General of Trinidad and Tobago, in preparation for her talking about appointing Mr. West, that at no time between June 2014 and January 2015 did the Attorney General tell her that he was prosecuting a civil matter, and in that civil matter Mr. David West was a witness? And furthermore, did he tell her that he had been to court twice—in the Appeal Court and the High Court—with the knowledge and expectation that Mr. West would be a witness in the matter?

Hon. K. Persad-Bissessar SC: My answer to that very long question is simply, no. At no time did the former Attorney General indicate that there was this private law matter in which Mr. David West was a witness for the Leader of the Opposition—in a private matter. This was not a matter of the Attorney General's office. It was a private matter. At no time did the Attorney General nor did former Minister Gary Griffith indicate that this gentleman was a potential

witness or would be a witness in a private lawsuit brought by the Attorney General against the hon. Leader of the Opposition in his private capacity, of course.

Dr. Rowley: Having said that and made the description of a private matter, is the Prime Minister also aware that the Leader of the Opposition was being sued in his private capacity?

Hon. K. Persad-Bissessar SC: I was not so aware. As I said, the only time this matter came to the forefront was when I read it, and I think at the same time—you know, there was a question why did I take so long to deal with certain matters. I was out in the meeting in Washington with Vice-President Biden with the Caricom Heads and again with the Caricom Heads in Costa Rica. I returned on the Thursday night, I took statements and so on from the various personnel and by the Monday we had made a decision which I announced to the nation. But I make the point again, the answer to your question, Sir, is no. [*Desk thumping*]

Dr. Rowley: Thank you very much for the clarification. [*Interruption*] Would you control the Member for Oropouche East, please? This is serious national business.

Madam Deputy Speaker: Allow the Member to ask his question. Go right ahead Member.

Dr. Rowley: Madam Deputy Speaker, would you control the Member for Chaguanas East, please?

Madam Deputy Speaker: Chaguanas East, allow the Member to ask his question.

Dr. Rowley: Since the Prime Minister has said—[*Interruption*] No, for all of them it is a laughing matter. Everything is a laughing matter.

Madam Deputy Speaker: Okay. Member, you were on a supplemental question?

Dr. Rowley: No.

Madam Deputy Speaker: No?

Dr. Rowley: Thank you very much, yes I am. Since the Prime Minister has raised this question of David West's testimony in the court being a benefit to me and having said, had you known that he was a witness you would have acted differently, what would the Prime Minister have done had you known? [*Crosstalk*]

Hon. K. Persad-Bissessar SC: Mr. Prime Minister, am, Madam Deputy Speaker and hon. Leader of the Opposition, we have an expression, we say, “Had I knewn”. “Had I knewn”, I would have then asked that you declare and disclose your interest. [*Desk thumping*] It is the non-disclosure in the matter, and having declared that interest, then we could have gone forward because the gentleman may be eminently qualified and suitable for the post, but the fact is, there was no done disclosure and in public office, under the Integrity in Public Life Act, there is a provision for non-disclosure in situations and scenarios like these.

With respect to your other question, look, I really do not know how many people sued you. I know you have a lot of law cases pending against you, but I do not know every single one. I do not keep a record of every time you have been sued, and perhaps I may soon have to sue your good self with respect to the emailgate matter. [*Desk thumping*]

Dr. Rowley: Could the Prime Minister identify any interest that I have or would have had with respect to the appointment of David West as head of the Police Complaints Authority?

Hon. K. Persad-Bissessar SC: You know, again, I cannot understand that the hon. Leader of the Opposition still cannot understand that when he made that recommendation and supported it that he was acting in the public interest under a constitutional duty, and therefore, it was a public matter in the public interest. Therefore, what is the interest he is asking—that there is a conflict of interest in this matter where there is a person who was or would have been, as I discovered in January, would be or was a witness in your private matter, and the Leader fails to see that that is a conflict of interest when recommending that person to take up public office. I do not understand it.

I am saying that the hon. Leader of the Opposition in my respectful view, falling upon the Integrity in Public Life Act, had a duty to disclose that there is a conflict of interest in the matter. [*Desk thumping*]

Madam Deputy Speaker: Leader of the Opposition.

Chaguaramas Convention Centre and Hotel (Disposal of Assets)

Dr. Keith Rowley (*Diego Martin West*): Has the Government of Trinidad and Trinidad and/or the Chaguaramas Development Authority taken any steps or are taking any steps to dispose of state assets associated with the property known as the Chaguaramas Convention Centre and Hotel? By what means are those disposals taking place and what are the terms of the arrangements?

Madam Deputy Speaker: Madam Prime Minister.

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you very much. I am told that the Chaguaramas Development Authority has entered into lease arrangement for 30 years with an option for renewal for another 30 years. The terms and conditions of that lease are based on the independent assessment undertaken and the structural integrity of the building and valuation of the property. Other critical factors considered are the positioning of the hotel as part of the CDA infrastructure programme to support the overall investment buildout, and engender investor and stakeholder confidence.

Madam Deputy Speaker, this is all the information I have in the limited time that is available and I will ask the Chairman of the CDA to give further details on this matter. I thank you very much. [*Desk thumping*]

Dr. Rowley: Notwithstanding what the Prime Minister has said finally there, just for the record of the Parliament, is the Prime Minister aware of any process which determined the beneficiary of that lease that you mentioned?

Hon. K. Persad-Bissessar SC: I would say that each state agency authority must act in compliance with the manual for procurement and procedures as set out by the Ministry of Finance and the Economy. There is a protocol in that regard and, of course, general laws of procurement. At this point in time I cannot say what process was used, but certainly we can ask the Chairman to indicate. Should it have been done appropriately in accordance with the regulations, I am sure the Chairman will be willing to provide that information.

Dr. Rowley: Madam Deputy Speaker, I just want for the record to indicate that the chairman of any state authority, Chaguaramas or otherwise, is not a Member of this House and the Prime Minister of Trinidad and Tobago is responsible for the actions of the Government of Trinidad and Tobago. [*Desk thumping*]

Therefore, I ask the Prime Minister, prior to 2010 it was the established protocol and regulation that disposal of lands and other assets at Chaguaramas required a Cabinet approval, has that been changed by your Government?

Hon. K. Persad-Bissessar SC: Again, hon. Madam Deputy Speaker, I will seek the information and provide the information for the hon. Leader of the Opposition.

Dr. Rowley: The lease to which you referred a moment ago and for the term which you cannot disclose to the Parliament today, did that lease or any similar

lease appear before the Cabinet to get Cabinet approval for disposal of Chaguaramas assets?

Hon. K. Persad-Bissessar SC: Again, I would seek the information the Leader of the Opposition seeks and provide same.

Dr. Rowley: Is the Prime Minister implying that a lease would have come before the Cabinet to dispose of the Chaguaramas Convention Centre and she does not know?

Hon. K. Persad-Bissessar SC: Madam Deputy Speaker, I think we have reached over 2,000 to 3,000—[*Interruption*]

Dr. Rowley: Madam Deputy Speaker, that is not the question—[*Interruption*]

Hon. K. Persad-Bissessar SC: But you asked the question. I am answering it.

Madam Deputy Speaker: You have asked a question, Leader of Opposition, please allow the Prime Minister to answer your—[*Interruption*]

Dr. Rowley: She is not answering. She is usurping the Chair.

Madam Deputy Speaker: Prime Minister, you may proceed. [*Member's drinking glass falls onto glass coaster*]

Dr. Moonilal: “Yuh want tuh pelt someting now?”

Hon. K. Persad-Bissessar SC: I hope nothing gets pelted across the floor. You know, I am saying we have 2,000 to 3,000 maybe Cabinet Notes, decisions and Minutes. There are times we have an Acting Prime Minister in the Chair. There are times I may be there. I am not hiding any information. I said we will get the information and provide accurate information. [*Desk thumping*]

Madam Deputy Speaker: Leader of the Opposition.

Dr. Rowley: I am moving on. Supplemental?

[*Mr. Warner raises his hand*]

Oh, sorry.

Madam Deputy Speaker: I imagine it has to do with the question that was raised by the Leader of the Opposition?

Mr. Warner: Of course, Madam Deputy Speaker.

Madam Deputy Speaker: If it is that, we have already used up the four supplemental questions to that question. Leader of the Opposition.

**Scourge of Violent Crime
(Status of)**

Dr. Keith Rowley (*Diego Martin West*): With 54 murders in the first month and a half of 2015, what is the Government doing about it, given that since 2010 it committed to eliminate the scourge of violent crime which continues to plague the nation?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you. Government has made very significant strides in reducing the crime rate, serious crimes, ensuring safety and security of all citizens, and may we congratulate the Minister of National Security on a relatively safe and secure Carnival. [*Desk thumping*] The Minister of National Security has provided statistics which show that serious crimes are down to their lowest level in more than three decades, [*Desk thumping*] in comparison to 2009, which saw the highest number of crimes in our nation's history.

The focus in 2015 to continue to improve in our crime-fighting initiatives would be as follows:

- to reduce the perception and fear of crime;
- to secure our borders from illegal entry of drugs, weapons and human trafficking;
- the seizure of illegal firearms;
- increase in detection rate and improvement in crime scene investigation;
- dismantling of gangs;
- policies to deter and prevent terrorist activity.

As requested, I will now outline some of the planned initiatives to help achieve these objectives:

- acquisition of proper assets as required by the law enforcement agencies;
- helicopters for the National Operations Centre, as the previous choppers are over 30 years old;
- Unmanned Aerial Vehicles (UAVs);
- interceptors to replace the defective interceptors acquired by the previous administration;
- coastal patrol vessels to replace the defective and inappropriate vessels that we inherited;

- long-range patrol vessels;
- hovercraft to patrol the coasts;
- in addition, audit of the TTPS;
- acquisition of an indoor shooting range for the TTPS;
- enhanced customer service training for the protective service personnel;
- enhanced intelligence gathering.

These are but a few, and time will not permit the details, but I present these as my reply, Sir.

Madam Deputy Speaker: Leader of the Opposition.

Dr. Rowley: At an earlier time, I think it was August 2011, there were six murders over a four-day period which caused the Government under this Prime Minister to declare a state of emergency. Recently, just over two weeks ago, there were five murders within a four-hour period; there were six murders in a 12-hour period; and there were seven murders in the ensuing 24-hour period. Given that rate of killing in 2015 as compared to what happened earlier in 2011 when the Government declared a state of emergency, would the Prime Minister tell us whether the Government is more effectively dealing with the situation now and if any progress has been made?

2.00 p.m.

Hon. K. Persad-Bissessar SC: Progress has been made, Madam Deputy Speaker, and as I have indicated, several initiatives which we will be pursuing: some of which were started previously, some of which we will continue and some which will be new ones.

Parliament's Appropriation (Details of)

Dr. Keith Rowley (*Diego Martin West*): Given the fall in oil prices, does the Prime Minister intend to reduce and revise the appropriation for the Parliament of Trinidad and Tobago?

The Prime Minister (**Hon. Kamla Persad-Bissessar SC**): At this point in time, there is no proposal to reduce or revise parliamentary appropriations. The Minister of Finance and the Economy has the authority in law to suppress expenditure and the actual expenditure incurred will then be reported in the appropriation accounts during or at the end of the fiscal year. So there is a transparent process that whatever is done must come back to the Parliament.

**Cabinet Committee
(Details of)**

Dr. Amery Browne (*Diego Martin Central*): With respect to the announcement in July 2014 of a Cabinet committee headed by Minister Vasant Bharath to oversee the health sector, can the Prime Minister provide an update on the work of this committee including the number of meetings held by the committee, whether official reports have been submitted, the achievements of and benefits derived from the establishment of this committee?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Madam Deputy Speaker, this National Health Council was established given the fact that in our conversations with people, MPs, others, out there in conversations, health care is very high up as a priority for the citizens of Trinidad and Tobago, and of course, residents and so on. So, in order to fast-track the work and to give a greater focus, expedite improvement in the health sector, we set up this National Health Council. We agreed to that council as of July 17, 2014.

This council established by Cabinet formally assists in tending to all matters critical to the effective functioning of the health sector, as well as implementing solutions to assist in the efficient delivery of health care across the nation. The NHC consists of Government Ministers, the Permanent Secretary of the Ministry of Health, as well as the chairpersons and CEOs of the Regional Health Authorities of Trinidad and Tobago. Apart from its officiated members, they also retain the right to invite persons who can provide technical and specialized assistance to the council.

This council works with a list of recommendations developed to address issues existent in the majority of the health institutions. Several of these recommendations were presented during the Prime Minister's public consultation campaign, the National Conversation Initiative. These issues range from long waiting lines to the quality of medication that is dispensed to the patient. The recommendations involve conducting beautification and maintenance of health institutions through ensuring clean surroundings, comfortable waiting rooms for patients. It also refers to implementation of a complaint system where patients can file a complaint and receive feedback within a time frame. Quality customer service is one of the top priorities. As such, an introduction of highly-trained customer service representatives would improve effective communication with patients. Eighteen meetings of the NHC have been held thus far.

Achievements of the inter-ministerial NHC are as follows:

- Establishment of Customer Service Representative Programme in affiliation with the On-the-Job Training Programme; 700 OJTs have been deployed at the 105 health facilities. Again, customer service representatives.
- Opening hours at health centres have been extended to 9.00 p.m. on week days; 4.30 p.m. on weekends. All district facilities are now open 24/7.
- The refurbishment of RHAs by CEPEP and URP. All RHAs have been and are currently being refurbished and maintained. Toilet areas, kitchen, waiting areas, other internal improvements, external waiting areas being built, outdoor maintenance, painting and beautification, new signage of health facilities, and these health facilities are now being furnished with standard medical equipment.
- In addition, the commission has assisted with the reduction of operation and patient waiting listings by the external patient programme so that now the time frame has been cut down for MRIs, CT scans, same day and surgical services.
- The deployment of Accident and Emergency Manager for the efficient running of A&E areas and greater efficiency of ambulances.

An audit of the C40 Programme has been completed in order to manage better availability and distribution of drugs. And very shortly, we will roll out, coming out of the council and their helping to expedite policies and initiatives, the health card—the long-awaited health card. Thank you, Madam Deputy Speaker. [*Desk thumping*]

Dr. Browne: Thank you. Clarification. Those achievements sounded more like the achievements of the Ministry of Health. For example—and this is the supplemental—the extension of opening hours at the primary health care facilities—if I may, Madam Deputy Speaker? That is an initiative that began several years ago. How can the Prime Minister attribute that to a committee or council that was only formed in 2014?

Hon. K. Persad-Bissessar SC: I do not understand how an initiative which allows our health facilities to be open extended hours, 24/7, began years ago. Today, we are saying that all our health facilities are opening 24/7 and we have extended the waiting times, because people were saying, “Look, when I come home from work, it is so late, the health centre is closed”. We have extended those.

The question then is: how do you attribute this to the health commission? We attribute it because recommendations come to that commission, they consider them and they look at implementation. The exact implementation, specific implementation, of course, is overall the Ministry of Health but they are guided by recommendations, discussions and so on, with respect to the National Health Commission. [*Desk thumping*]

EXTENSION OF PRIME MINISTER'S QUESTIONS TIME

Madam Deputy Speaker: Hon. Members, the Prime Minister's Questions time has expired.

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, I beg to move that the Prime Minister's Questions time be extended until the completion of the responses by the hon. Prime Minister to all 14 questions filed by Members of the Opposition. I beg to move.

Assent indicated.

PRIME MINISTER'S QUESTIONS

Dr. Browne: Thank you, Madam Deputy Speaker. And just to clarify, thank the Prime Minister for her response to the supplemental. But my enquiry was because the initiative to expand the opening hours of these health centres was initiated prior to the advent of this committee. Therefore, how can the committee be taking or be given credit for an initiative that they met in train. Further supplemental.

Hon. K. Persad-Bissessar SC: Can I take one at a time?

Dr. Browne: Okay, sure.

Hon. K. Persad-Bissessar SC: Thank you. You know, I remember some years ago, we talked about "coulda, woulda and shoulda". That is, it was in train, it was in plan, "we were going to do it, we would do it, we may be, when", and it does not happen. The health commission was established, as I said earlier, to expedite initiatives, to make sure that they happen. So that you have plans and programmes that are on the books, and paper gathering dust everywhere and just does not get the roll-out. That health commission was put in place to expedite, to make things happen. Implementation, as I said, has to be through the RHAs, through the Ministry of Health.

But when that commission sits with the team, what is the drawback? What is the obstacle? What is the delay? Why? We go into those discussions and from that, you come up with a plan of action. So you do not just have proposals, the commission assists with the plan of action, with time lines, with deadlines, to make things happen. [*Desk thumping*]

Dr. Browne: Final supplemental. Has the Prime Minister seen improvement in the health sector since the implementation of this committee?

Hon. K. Persad-Bissessar SC: You know, there is a—[*Interruption*]

Miss Mc Donald: That is a good question.

Hon. K. Persad-Bissessar SC: It is an excellent question and the answer is also very excellent. [*Laughter*] That is to say, there is a saying. They say, question one: “who is the boss?” You name your boss. Question two: “who is your boss?” Refer to question one. Question three: refer to questions one and two. And so, I went through all of that before. I refer you back to the answer that I gave. I gave the entire answer and there is more to say if time permits.

Dr. Browne: Are you saying yes?

Hon. K. Persad-Bissessar SC: To what?

Dr. Browne: Improvement.

Hon. K. Persad-Bissessar SC: Of course, there has been improvement. There has been marked improvement. Your health centres are opening later, your customer care representatives—all those initiatives. I spent—700 young people being employed of course, having been trained, assisting with customer care. When you come to the health centre, the complaint we got—when I had the National Conversation, people were saying, “Look, when we come, they have you waiting so long, you already feeling sick, nobody there to tell you, ‘Okay, do not worry, we will take care of you’”. These are the things that the CSRs are doing. There is so much more. So, yes, the answer is a resounding yes to improvement. [*Desk thumping*]

Miss Cox: Supplemental. The Prime Minister stated that with the advent of this health commission, this is to make things happen in the health sector. What is the role of the Minister of Health in all of this?

Hon. K. Persad-Bissessar SC: The Minister of Health is a member of that National Health Committee similar to the National Security Council which helps us to deal with issues of—which was set up long before our time—to set a team in

place instead of having one person where this is so vital and important, there is so much to be done. The Minister is there and he has an input and he guides as well the discussions that take place.

**Commission of Enquiry into Witness Tampering
(Details of)**

Mr. Jack Warner (*Chaguanas West*): Prime Minister, have you taken any steps to establish a commission of enquiry into the witness tampering scandal that has resulted in two Cabinet Ministers being fired and three others implicated in an alleged attempt to influence former Minister of National Security Gary Griffith who is a stated witness in this matter?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): The answer is no and I am sure the supplement will be wide. No, and the reason simply is because this is a matter under police investigation, and therefore, we need to understand what is role and function of a commission of enquiry. A commission of enquiry, which I have a question later on to answer about this—basically the same answer. A commission of enquiry is established to search out the facts, the technocrats, the details, the issues and so on—the facts. From those facts, what does a commission of enquiry do? It then recommends to send it to the Integrity Commission, send it to the police service, send it to DPP and so on. So it is one stage after a commission of enquiry, this is, in fact, on step two with the investigations being undertaken. So, in my respectful view, there is no need at this point in time to set up a commission of enquiry to ascertain what is happening here.

**National Carnival Commission Protocol
(Breach of)**

Mr. Jack Warner (*Chaguanas West*): Is the Prime Minister aware that the usual protocol associated with the National Carnival Commission and Members of Parliament in relation to the distribution of tickets for Carnival events under its purview in 2015 was breached this year when no tickets of any kind were given to the Member of Parliament for Chaguanas West? Prime Minister, can you advise me whether you condoned this behaviour? [*Crosstalk*]

The Prime Minister (Hon. Kamla Persad-Bissessar SC): You know, it is really interesting where the Parliament has reached in Prime Minister's Questions time, when in clear, I would say, maybe, potentially, breach of the Integrity in Public Life Act, we have a Member asking the Prime Minister why he did not get

Carnival tickets. The answer to the question: I am not aware of any protocol breach. Certainly Minister Douglas, who seems very eager, may want to make a statement on that at a later point in time.

Mr. Warner: But all I am asking is whether there is any discrimination by your Government against this Member of Parliament?

Hon. K. Persad-Bissessar SC: “Yuh get tickets? Yuh get tickets?”

Dr. Moonilal: “Dey quiet. Dey quiet.”

Hon. K. Persad-Bissessar SC: I notice your friends, your co-partners and so on, on the Opposition Benches are very quiet. I think they probably received their tickets. I am saying again, there will be—[*Crosstalk*]

Mr. Warner: They were lucky.

Hon. K. Persad-Bissessar SC: “They were lucky.”

Dr. Moonilal: “Joan Yuille take yuh tickets.” [*Laughter*]

Hon. K. Persad-Bissessar SC: Perhaps you need to—listen, look, it is not funny. I am not aware of any breach, hon. Member for Chaguanas West. I will ask the Minister to find out what happened, why it happened, but there was no intent for discrimination. I have always stood against discrimination in every regard. [*Desk thumping*] And I think the Member for Chaguanas West well knows that I will not condone discrimination in any way. And so we will ask the Minister to find out from the NCC what has happened.

Madam Deputy Speaker: Member for Chaguanas West, Question 10.

Mr. Warner: Madam Deputy Speaker, Question 10 has been answered by Question 6 so I will skip that and go to Question 11.

Madam Deputy Speaker: Question 11.

Mr. Warner: Thank you. Question 11. Can the Prime Minister indicate—[*Interruption*]

Dr. Moonilal: Hold on, just now. Could I just understand what is happening here? I do not know if the Member has this authority to skip his question as he skipped his Motion some weeks ago. There is a question on the Order Paper. The Prime Minister is prepared to answer so, please—this is not the Motion where you just sit down and say nothing.

2.15 p.m.

Madam Deputy Speaker: Hon. Members, the person asking this question is the Member for Chaguanas West, and he has indicated that the question was given as No. 6. So, I will move on now and allow him to go to question No. 11.

Reintroduction of Land and Building Taxes or Property Tax

Mr. Jack Warner (*Chaguanas West*): Common sense suggests that. Thank you, Madam Deputy Speaker. Question 11, as I was saying five minutes ago. [*Laughter*] Can the Prime Minister indicate whether the Government will be taking any steps to introduce or reintroduce any system for the collection of Land and Building Taxes or any form of Property Tax during the current session of Parliament?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Hon. Member, the answer is no.

Mr. Warner: Thank you.

**Consideration of Senate Amendments
(Constitution (Amdt.) Bill, 2014)**

Mr. Jack Warner (*Chaguanas West*): Can the Prime Minister indicate when the House of Representatives will consider the amendments made in the Senate to the Constitution (Amdt.) Bill, 2014 which proposes a “run-off” system for General Elections?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): The matter of the Constitution (Amdt.) Bill, 2014 remains on the Order Paper, and notice will be given in advance of when it will be debated in the House of Representatives. That is the answer.

Madam Deputy Speaker: You may proceed, Member for Chaguanas West.

Mr. Warner: Madam Prime Minister, the answer is, you cannot indicate. Am I correct to infer that?

Hon. K. Persad-Bissessar SC: Well, I do know this is a fool's dilemma question, but I have said it is on the Order Paper as are many other matters on the Order Paper. In accordance with the Standing Orders of this honourable House, notice is given prior to debate for any matter on the Order Paper, and we will comply with the protocols established by the Standing Orders. Advance notice will be given as and when that matter will be debated.

Dr. Rowley: Thank you, Madam Deputy Speaker. Is the Prime Minister aware that preparations for elections are required at the Elections and Boundaries Commission, and in the event that this matter comes to the House, and the law is changed as proposed by the Government last August, and an election is due any time at the Prime Minister's pleasure, is the Prime Minister concerned about the Elections and Boundaries Commission at least, being put in a position to know the nature of elections in Trinidad and Tobago in 2015?

Hon. K. Persad-Bissessar SC: Government will make absolutely certain that the EBC is fully prepared and ready for elections when they are called, as they have always been. [*Desk thumping*]

Dr. Rowley: That kind of commitment being given by the Prime Minister, is the Prime Minister aware that the Elections and Boundaries Commission is a very sensitive and independent commission which ought not to be subjected to the foibles of the Prime Minister like that?

Hon. K. Persad-Bissessar SC: I take objection to the statement made. What foible is he speaking of? [*Interruption*] What is—the hon. Member needs to explain what he is speaking about. I have indicated—that is a very serious allegation you are saying against the Prime Minister.

Madam Deputy Speaker: Please allow the Prime Minister to speak.

Hon. K. Persad-Bissessar SC: I have said the EBC will be given enough notice of the elections as is done in every election. [*Desk thumping*] Look, last year we had local government election, and just previous to that, we had the whole change with the alderman—the PR aspect of the aldermen's Bill. Was the EBC caught flatfooted? No. The EBC has already said, if my memory serves me right, in the print, that they will be ready. I am saying, any responsible Government will give the resources that are necessary to be fully prepared for an election. [*Desk thumping*]

Dr. Rowley: Has the Prime Minister received any correspondence from the EBC on this particular matter of the run-off or no run-off?

Hon. K. Persad-Bissessar SC: I do not recall receiving any correspondence on this matter. [*Crosstalk*]

Madam Deputy Speaker: Please! Please! Please, Leader! Leader of the Opposition. I am calling your attention, Leader of the Opposition. [*Interruption*] Leader of the Opposition, you have asked a supplemental question, and the Prime Minister is going to answer you. Madam Prime Minister.

Dr. Rowley: Thank you very much.

**Armoured Vehicles
(Reduction in Number)**

Miss Donna Cox (*Laventille East/Morvant*): Thank you, Madam Deputy Speaker. [*Interruption*] As head of the National Security Council, can the Prime Minister indicate why a decision has been taken to reduce the number of armoured vehicles allocated to law enforcement, and also indicate whether other cuts were made or are anticipated in allocations to the Ministry of National Security?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): The Cabinet took no decision to cut—what was it?—to reduce the number of armoured vehicles. I think your question may have come about because something was reported in the newspaper from the Minister of National Security, but there has been no decision of the Cabinet to reduce or cut this matter.

Miss Cox: Is the Prime Minister aware that the Minister of National Security made that statement?

Hon. K. Persad-Bissessar SC: I just said that.

Miss Cox: Are you aware that he made those statements?

Hon. K. Persad-Bissessar SC: I just said that your question may have come about because of a report carried in a newspaper, where it is alleged that the Minister of National Security said that.

Miss Cox: It is not alleged.

Hon. K. Persad-Bissessar SC: It is a report, and once it is a report—unless it is confirmed, it is alleged.

Dr. Rowley: Oh, really?

Hon. K. Persad-Bissessar SC: Not everything you read in black—look, not everything you read in black and white is true, you know. It may not be true that that child was 17 years old, although it was reported. [*Continuous laughter, crosstalk and desk thumping*]

Miss Cox: Madam Deputy Speaker, I saw the Minister of National Security on television, this is not an allegation. I saw the Minister of National Security on television stating categorically that there would be a reduction in the armoured vehicles.

Hon. K. Persad-Bissessar SC: Hon. Member for Laventille East/Morvant, the question is, the Cabinet has taken no decision with respect to that. I was not as fortunate as you were to see the Minister of National Security on TV, but a Cabinet decision has not been taken to make any cut with respect to the armoured vehicles. So, we will raise it with the Minister and, of course, it has to be for cuts to be made coming for the Ministry of Finance and the Economy, coming through the Cabinet. We cannot make decisions on hoof, on foot or by mouth.

Miss Cox: Thank you.

Madam Deputy Speaker: Final question, the Member for Point Fortin.

Control of Greenhouse Gas Emissions

Mrs. Paula Gopee-Scoon (Point Fortin): Thank you. With regard to the petrochemical sector, can the Prime Minister advise what policies, legislation or incentives have been promoted by the Government in an effort to control greenhouse gas emissions given the fact that Trinidad and Tobago is the second highest producer of such emissions with 80 per cent annually being attributable to the energy sector.

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Madam Deputy Speaker, I will just indicate some of these, because time will not permit to go through all the things that are being done. The Minister of Energy and Energy Affairs and the NGC have been working on a feasibility study to capture carbon dioxide emitted from Point Lisas, for use in enhanced oil recovery in mature oil fields in south Trinidad.

That Ministry, in collaboration with national energy, has conducted an energy efficiency audit of the petrochemical plants at Point Lisas. The purpose of this study was to identify opportunities for improvement with regard to energy efficiency, and by extension reduce carbon dioxide emissions. Two companies at Point Lisas have already started implementation of the energy efficiency projects.

It is a policy of Government that any new power generation capacity, should adhere to energy efficiency benchmarks, and where feasible, move towards combined cycle technology. Through the Finance Act of 2010, the Government has put in place fiscal incentives to encourage companies to conduct energy audits, and where possible, pursue projects to improve their overall energy efficiency.

The National Climate Change Policy was laid in Parliament in 2011. This addresses greenhouse gas emission in all sectors. It also treats with a carbon

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reduction strategy in the transport, power generation and industrial sectors. This strategy has been finalized by the Ministry of the Environment and Water Resources, and will be submitted to Cabinet shortly.

The Ministry of the Environment and Water Resources is currently reviewing existing legislation and policy, with the view of amending existing laws and drafting new legislation to mainstream issues of climate change into the national policy agenda. The Ministry of the Environment and Water Resources is also currently conducting feasibility studies to identify sites for the carbon capture and sequestration.

ORAL ANSWERS TO QUESTIONS

Madam Deputy Speaker: Hon. Members, at the sitting held on Friday, February 06, 2015 and in accordance with Standing Order 29(13), the Speaker was asked by the Member for Diego Martin North/East, on behalf of the Member for La Brea, to write to Ministers of Trade, Industry, Investment and Communications and Local Government, to seek the reasons for the delay in answering House of Representatives questions No. 17 and No. 22. Written correspondence was forwarded to the Minister of Trade, Industry, Investment and Communications, and to the Minister of Local Government by letter dated February 06, 2015.

I received a response from the Minister of Local Government and the Minister of Trade, Industry, Investment and Communications, by letters dated February 10, 2015 and February 13, 2015 respectively. I shall now read the correspondence into the record:

“Honourable Speaker,

Re: House of Representatives Unanswered Question #22

Your letter... dated February 6, 2015 on the captioned subject refers.

I regret the tardiness in responding to the said question but despite all efforts by this Ministry the Siparia Regional Corporation did not provide the required information on time to meet the deadline set for responding to same.

I am prepared to answer the question at the next sitting of the House of Representatives.

Sincerely,

/s/ Marlene Coudray

Minister”

“Honourable Speaker,

House of Representatives Unanswered Question No. 17

I refer to your correspondence dated 6th February, 2015 on the above subject.

I do apologise for the delay in responding to the said Question No. 17. However, this was as a result of attempting to arrive at a firm position with respect to the way forward for the Transshipment and Dry Docking Port at La Brea.

I assure you the response would be ready for the next sitting of the House of Representatives.

Respectfully,

/s/ Vasant Bharath
Minister”

I have directed the Clerk to provide a copy of these responses to the Leader of the Opposition.

Miss Mc Donald: Madam Deputy Speaker, in response to what you have just said, both letters are dated February 06. The next sitting of the House of Representatives is today, the 20th. [*Interruption*] Are the responses ready, Madam Deputy Speaker?

Madam Deputy Speaker: As I said, the documents indicated that they will be indeed, of course, at the next sitting, which is today. The Members have asked that as of today, it will be the next sitting of the House, that the documents will be provided.

Miss Mc Donald: That is a second request, Madam Deputy Speaker, [*Interruption*] because in accordance—I am on my feet, Member for Oropouche East, please. Madam Deputy Speaker, as of today, this is the second sitting. This is the next sitting after February 06. Can you please clarify?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): If I am permitted, just to calm down the—[*Interruption*]

Miss Mc Donald: “I eh bazodee, yuh know. Yuh understand?”

Hon. Dr. R. Moonilal: We would have remembered seeing you—[*Interruption*]

Miss Mc Donald: We are all very sober on this side, very sober. [*Continuous interruption*]

Hon. Dr. R. Moonilal: Madam Deputy Speaker, please? I think the climate is still on the Members opposite. Madam Deputy Speaker, as the letter from the hon. Marlene Coudray indicated, we are in a position today to answer question No. 22. [*Crosstalk*]

Madam Deputy Speaker, the Government is in a position to answer the following questions: No. 17 indeed, No. 22 to the Minister of Local Government. We will ask that questions Nos. 63, 64 and 65 be deferred for two weeks. We are in a position to answer questions No. 68, No. 69, No. 70 and No. 71.

The following questions stood on the Order Paper in the name of Mr. Colm Imbert (Diego Martin North/East):

**Total Petroleum Revenues
(Details of)**

- 63.** Could the hon. Minister of Finance and the Economy state:
- A. What percentage of Government's total petroleum revenues, as defined by the Heritage and Stabilisation Fund Act, is earned from oil?
 - B. How much revenue does the Government lose when the average price of oil drops by US \$1.00 over the fiscal year?
 - C. In light of the recent precipitous decrease in the price of oil, what is the Government's estimated loss of revenue for fiscal 2015?

**Heritage and Stabilisation Fund Act
(Details of Withdrawals)**

- 64.** A. Would the hon. Minister of Finance and the Economy confirm whether the Heritage and Stabilisation Fund Act allows withdrawals from the Heritage and Stabilisation Fund before the end of a fiscal year?
- B. If the answer to part (A) is yes, does the Government intend to withdraw any money from the Fund before the end of fiscal 2015?

**Central Bank of Trinidad and Tobago
(Details of Employees)**

- 65.** A. Could the hon. Minister of Finance and the Economy state the number of employees on payroll at the Central Bank of Trinidad and Tobago on July 13, 2012?

- B. What was the number of employees on payroll at the Central Bank on December 23, 2014?
- C. How many new employees were hired by the Central Bank between July 13, 2012 and December 23, 2014?

Questions, by leave, deferred.

2.30 p.m.

Madam Deputy Speaker: Member for La Brea.

**Upper Salazar Trace and Upper La Union Road
(Repairs to Landslips)**

- 22. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Local Government:

When will the Landslips between Light Poles Numbers 39 and 41 Upper Salazar Trace and Upper La Union Road be repaired?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, I think there was some concern earlier for Question No. 17 by the Members opposite. It is not Question No. 17? We can proceed with Question No. 22. Madam Deputy Speaker, in reply to Question No. 22, on behalf of the hon. Minister of Local Government, the Siparia Regional Corporation—*[Interruption]*

Madam Deputy Speaker: Member for Oropouche West, the Member for La Brea.

Mr. Jeffrey: Madam Deputy Speaker, through you, are we saying that Question No. 17 is ready to be answered today?

Hon. Dr. R. Moonilal: Yes, we are prepared.

Mr. Jeffrey: Well then let me ask the question.

Hon. Dr. R. Moonilal: I was waiting.

**New Port for La Brea
(Details of)**

- 17. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Trade, Industry, Investment and Communications:

- A. Where will the new Port for La Brea be located?

- B. How many consultations were held with La Brea residents?
- C. Was an Environmental Impact Assessment conducted?
- D. If yes, when was the Environmental Impact Assessment conducted?
- E. Did the Environmental Management Authority give a Certificate of Environmental Clearance on the project?
- F. Are there any plans to relocate residents of Point D'Or for the construction of the Port?
- G. If yes, when and where will Point D'Or residents be located?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Thank you very much. Madam Deputy Speaker, on behalf of the hon. Minister of Trade, Industry, Investment and Communications, in response to Question No. 17, the Government of Trinidad and Tobago is currently reviewing several projects in light of changing economic circumstances. While projects are certainly not being postponed or cancelled, there is a revision undertaken by the Ministry of Planning and Sustainable Development. The port of La Brea project is one such project being revised simply in terms of the timetable for the project. The project is by no means postponed or delayed infinitely, but is currently being revised, the timetable for implementing the project. That is the response to Question No. 17.

Mr. Jeffrey: Supplemental. Madam Deputy Speaker, I would like to find out where the new port for La Brea will be located.

Hon. Dr. R. Moonilal: Madam Deputy Speaker, we will certainly take a note of the concern of the Member for La Brea and relay that concern to the Minister of Trade, Industry, Investment and Communications and revert to the Member.

Mr. Jeffrey: Further supplemental, Madam Deputy Speaker, to Question No. 17. In the event that the matter is brought under consideration, what would be the methodology that will be used to determine whether or not there is enough public support for that new port at Point Sable?

Hon. Dr. R. Moonilal: Madam Deputy Speaker, again, we would refer the substantive question to the hon. Minister of Trade, Industry, Investment and Communications. However, the Member for La Brea is well aware that the community involvement and engagement before the construction of any project requires consultation with community members, villages, and so on, through the

mechanism of the Environmental Management Authority, to which you apply for relevant authorization, and that process is a very comprehensive process that will entail discussions and engagement with members of the community.

Mr. Jeffrey: Madam Deputy Speaker, the clarification that I am requesting is in determining whether or not the project would go ahead or not depends on public support. What I would like to find out is what methodology will be used to determine whether or not there is enough public support. Will there be a referendum? What is proposed? What process will be used?

Hon. Dr. R. Moonilal: Madam Deputy Speaker—[*Interruption*]

Mr. Jeffrey: Keep quiet. “Member for St. Augustine, keep quiet.”

Madam Deputy Speaker: Member for La Brea, please.

Hon. Dr. R. Moonilal: Madam Deputy Speaker, please, this behaviour opposite is now unbecoming. I am almost tempted to tell the Member for La Brea the same consultation process that was used for the aluminium smelter, but I will not, because they had no process there and the people of that community did not support that project. [*Interruption*]

Mr. Jeffrey: What?

Hon. Dr. R. Moonilal: That was when you were hiding behind a pickup, a green pickup in La Brea.

Madam Deputy Speaker, sufficient and adequate consultation will be had with the community in that area to discuss the project through the established statutory instruments. Thank you.

Upper Salazar Trace and Upper La Union Road (Repairs to Landslips)

22. Mr. Fitzgerald Jeffrey (*La Brea*) asked the hon. Minister of Local Government:

When will the Landslips between Light Poles Numbers 39 and 41 Upper Salazar Trace and Upper La Union Road be repaired?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, the Siparia Regional Corporation has indicated that there is no La Union Road within the Corporation. I must just speak to the question because of the nature of the answer. The question is, when will the landslips between light poles numbers 39 and 41, Upper Salazar Trace and Upper

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La Union Road, be repaired. Now, this Member is asking the Minister when the landslips between these two light poles will be repaired after being in power for 40 years.

Madam Deputy Speaker, the Siparia Regional Corporation has indicated that there is no such road within the Corporation. They have, however, indicated that there is a La Reunion Road within the Corporation and a landslip exists at this—
[*Laughter*] I think everything is slipping around you.

The landslips identified between light poles numbers 39 and 41, Upper Salazar Trace and Upper La Reunion Road, were identified by council for restoration. The scope of work outlined was beyond the capacity of the Corporation and was, therefore, recommended to the Ministry of Local Government for consideration. The Ministry of Local Government is in the process of allocating funding and providing technical support in order to implement the project. So, that is the response from the Ministry.

Mr. Jeffrey: Supplemental. We would like to find out when those landslips will be repaired. When?

Hon. Dr. R. Moonilal: Madam Deputy Speaker, it would be repaired as soon as the process of allocating funding and providing technical support in order to implement the project is finished.

Mr. Jeffrey: Further supplemental. Could you give us a precise time frame?

Hon. Dr. R. Moonilal: Madam Deputy Speaker, the time frame will fall as soon as the process of allocating funding and providing technical support in order to implement the project is completed, the time frame begins.

Commission of Enquiry (LifeSport)

68. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Prime Minister:

- A. With respect to the LifeSport scandal, could the Prime Minister indicate why a Commission of Enquiry has not been launched to determine what amount of public funds was spent in an inappropriate and irregular manner, as well as to further determine:
 - (i) which systems failed to detect and prevent such abuse, misuse and dishonest dealings?
 - (ii) who were responsible?

(iii) what corrective measures are to be put in place to avoid any recurrence of this abuse and loss of public resources?

B. Is the Prime Minister prepared to launch such an enquiry?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): [*Desk thumping*] Thank you, Madam Deputy Speaker. The question is really, in my interpretation of it, asking why a commission of enquiry has not been launched into LifeSport to determine—and, basically, the items, they are terms of reference should such a commission be set up. I, again, make the point I started to make earlier, but I have a little more time to answer this question, of what is the role and function of a commission of enquiry and what the end result of a commission of enquiry is. So where there are matters of concern in the public welfare, and so on, you refer it to the commission of enquiry.

If we look at section 2 of the Commissions of Enquiry Act, which provides that:

“The President may whenever he deems it advisable, issue a commission appointing one or more commissioners, and authorising such commissioners, or any quorum of them therein mentioned, to enquire into the conduct of any officer in the public service...the conduct or management of any department of the...service or...any public or local institution, or into any matter in which an enquiry would, in the opinion of the President, be for the public welfare.”

And, thereafter, to enquire into and to report. The commission of enquiry could be set up on the advice of the Cabinet to His Excellency The President.

Now, what does the commission of enquiry do? The commission of enquiry goes into facts from persons involved and from the technocrats. What it does then is to make recommendations as to what should happen. Recommendations could well be to refer, should there be criminal liability found, to the TTPS or to the DPP, and/or to the Integrity Commission. Should there be civil liability involved; again, to refer to the appropriate authorities for civil action to be taken.

So here we have a fact scenario and a process that does not require that first step of a commission of enquiry, and I will explain why. What we did in handling this entire LifeSport matter really serves to underscore and emphasize the difference between the former administration and that of this Government; that we deal in terms of distinguishing that of action as opposed to customary inaction.

You may well recall how many matters arose under the former administration that may have warranted referrals to police, to DPP, to Integrity Commission, and were never referred. We speak of, for example, the matter of the former Minister

of Finance, and the withdrawal of funds and so on from the CL Group. We speak of allegations against Calder Hart. Again, none of those matters were dealt with and were only dealt with by the hon. Leader of the Opposition. In fact, after he was removed from office those matters came to light.

So, what we have done then, and why I think it is not necessary of a commission of enquiry, is, first of all, when the matter was brought to our attention I directed that the matter be brought to the attention of the Cabinet. A decision was then taken to have the Central Audit Committee of the Ministry of Finance and the Economy conduct an independent audit review of the programme. Then I transferred the programme from the Ministry of Sport to the Ministry of National Security.

On receipt of the report of the Central Audit Committee, the Ministry of Finance and the Economy in July 2014, which was a thorough analysis of the LifeSport Programme, I laid that report right here in this Parliament on July 25, 2014, and I caused the same to be forwarded to the Director of Public Prosecutions, the Commissioner of Police, the Head of the Public Service and the Integrity Commission for their consideration and deliberations.

The audit report is now a public document laid in this House by myself. The report makes certain finding relating to systemic failings, institutional weaknesses and liability, and culpability of relevant office holders. It is anticipated that the report from the Head of the Public Service will speak to corrective measures and strict policy guidelines, and adherence to prevent reoccurrence of such failings, and these investigations are ongoing.

Further, I disbanded the LifeSport programme. I revoked the appointment of the former Minister of Sport and I removed the entire board of the Sport Company to allow a full and fair investigation to take place. I also instructed the Office of the Attorney General, based on the findings of the audit report of the Central Audit Committee, to seek advice of counsel on any possibilities to recoup taxpayers' funds by civil action. So, we took action on the criminal front and we took action on the civil level. That matter is receiving attention of the current Attorney General.

Moreover, there is a judicial review of that audit report, which is before the High Court of Justice, brought by the former Permanent Secretary of the Ministry of Sport and other public servants. Leave was granted in late 2014 by the High Court and that judiciary process began on February 05, 2015 in the High Court. The matter is, therefore, pending before the High Court.

It is also being addressed, as I said, by the Integrity Commission, Office of the DPP, the Police Service of Trinidad and Tobago, Head of the Public Service, Integrity Commission and, of course, the court. So, in these circumstances there is no need to have that first plank of the commission of enquiry because it has already gone to the second stage, which is to those dealing with the criminal law and for looking into ways in which any civil action may be brought.

Now, you know, we can look at it, there have been other commissions of enquiry. We recall the very famous Landate Commission of Enquiry that was established. That commission of enquiry, what they did, they did not go to the police first because you did not have the facts. You did not have the factual matrix that could go to the police with a prima facie matter being made out, and so the commission of enquiry was set up. It had to do with investigating circumstances leading to the removal of materials, machinery and labour from the Scarborough Hospital project to Landate, and to look into circumstances surrounding the award of contracts.

What the recommendations were is for the relevant authorities—First of all, the commission found, both in law and in fact, that the unfixed material on the Scarborough Hospital site is and was the owner of the employer.

The observations and recommendations and the testimony of witnesses—and this is it. This is the recommendation—we will see it in other commissions of enquiry—that the authority should visit the provisions of sections 2, 3, 4 and 21 of the Larceny Act. In common language we talk about “thieving”, but the Larceny Act with a view to addressing the illegal action where the materials were moved from the hospital site to the Landate development project, I do not know what is status of the authorities, TTPS, and so on, with respect to investigating, looking at the Larceny Act and investigating that matter. [*Interruption*]

Miss Cox: What that has to do with LifeSport?

Hon. K. Persad-Bissessar SC: That has to do with LifeSport—I am saying that a commission of enquiry, the purpose and function, is to go into the factual matrix—[*Interruption*]

Miss Cox: Did it ask the purpose and function?

Hon. K. Persad-Bissessar SC: Well, the purpose and function explain why it is not necessary to set up a commission of enquiry. The hon. Leader asked me why a commission of enquiry has not been launched. I am saying it has not been launched because it is not the tool or the vehicle or the mechanism to arrive at

where you need to be, which is for the criminal investigations, the civil matter to be investigated. I gave the example of Landate where the first stage was gathering the factual matrix and the legal matrix to then send on to the appropriate authorities. In this case we have a factual matrix and a legal one in which there is a prima facie case that can be made out, which can be referred to the TTPS, the Director of Public Prosecutions, the Head of the Public Service and Integrity Commission, and then we await their findings with respect to that matter.

A commission of enquiry may be recommended where there is need for in-depth examination, cross-examination of persons and parties, technical details, and so on. So, that is why no commission of enquiry has been established into the LifeSport matter. [*Desk thumping*]

2.45 p.m.

Dr. Rowley: Given the number of actions outlined by the Prime Minister, many and varied, would the Prime Minister tell us why none of those actions, any and/or all of those actions, were not taken when the Auditor General Report became available to her in 2013, which outlined that a programme that was approved for \$6 million had ballooned to hundreds of millions in secret, unbeknownst to the Parliament and, with the reports of the Auditor General of 2013, why did the Prime Minister wait only until it was publicly exposed in mid-2014, to take all those actions?

Hon. K. Persad-Bissessar SC: I do not have a copy of that report in front of me here now, but I would want you to remember that when the Auditor General's Report is done for a year, it is not necessarily obtainable in the same year, so I will have to ascertain that and verify. [*Laughter*]

That is not a joking matter, it is a fact. It is not a joke; it happens all the time. Look up to today the Tobago House of Assembly has not had one Auditor General's Report forwarded in 10 years—that audit being done. The Member is asking why did I not take action on the Auditor General's Report, and the answer is simple. We acted on the recommendations of the Finance Committee Central Audit Report. We have taken the action that is necessary at this time. The matter is under full investigation with respect to civil governance issues and criminal matters.

Dr. Rowley: Is the Prime Minister telling this House that in the Auditor General's Report of 2013 laid in this House, where there were references to abuse of public funds in the LifeSport Programme, it was unknown to her because of some backlog in the Auditor General's Report?

The report I referred to was the report of 2013 and by mid-2014 it was public knowledge, being referenced publicly, that the Minister of Finance and the Economy had written to the Minister of Sport indicating that there were irregularities where the PS of Sport was seeking to obtain money from Finance by underhand processes. Is the Prime Minister unaware of all of that?

Hon. K. Persad-Bissessar SC: Madam Deputy Speaker, there is a process when irregularities occur, and the Member has indicated himself, the Minister of Finance and the Economy had written to the Ministry of Sport with respect to the alleged irregularities contained and discussed. You mentioned 2013, you come to 2014. Again, I am not saying that I did not act because of some backlog whatever, he asked if I am saying that. I am not saying that.

Dr. Rowley: What are you saying then?

Madam Deputy Speaker: Please.

Hon. K. Persad-Bissessar SC: I am saying that the process would have been where there were irregularities, the Ministry of Finance and the Economy would liaise with the various Ministries involved. The Permanent Secretaries are to be involved as the accounting officers, that is how that process works, and I respect that process.

When this matter was brought to our attention, head-on frontally, even long before we got rid of the Sport Company and the Minister and the programme, there was a central audit report which we requested. So way back then, this report was there; we were awaiting that report. When that report came, we were able to deal with the contents of that report. [*Interruption*]

Dr. Rowley: My final supplemental; I will be short.

Given that there was so much known about so much being wrong, and since the Prime Minister has given us a thesis about everything else except the question, permit me to ask you: what corrective measures are to be put in place to avoid any reoccurrence of this abuse or loss of public resources, while all of this trip around the world is taking place?

Hon. K. Persad-Bissessar SC: I do not know what trip around the world the Member is speaking of; perhaps he has one being planned very shortly. [*Laughter*]

The question being asked is what steps—

Dr. Rowley: What corrective measures—

Hon. K. Persad-Bissessar SC:—corrective measures. The Ministry of Finance and the Economy has their own protocol and processes for dealing with it. They do it in conjunction with the head of the public service and the other public servants. This audit report, we laid it here in July 2014, but that report would have been done prior. The investigations into and the looking into would have been done prior to that. So I am not sure of the time frames that the Member is referring to, and all that can become very clear. [*Crosstalk*] I thank you very much.

Mr. Warner: Madam Prime Minister, thank you very much. You said that under the LifeSport Programme in June 2014—

Hon. K. Persad-Bissessar SC: I laid it here.

Mr. Warner: Yes, I know that. I am not going there. What systems, if any, are in place to pay those persons who are legitimately owed by the programme from June to now, February, about eight months?

Hon. K. Persad-Bissessar SC: Certainly I will obtain the information for the hon. Member and provide it.

**Siparia/Erin Main Road
(Construction of Pavements)**

69. Mr. Fitzgerald Jeffrey (*La Brea*) asked the hon. Minister of Works and Infrastructure:

Given the very dangerous use by motorists on the Siparia/ Erin Main Road the Southern Main Road from Aripéro to Point Fortin, the Minister is kindly asked to state when pavements will be constructed in the following areas for pedestrians:

- i. from Mount Carmel Early Childhood Centre to Pond Road Junction in Aripéro;
- ii. from Rousillac Open Bible Church to Sobo Extension Junction;
- iii. from Rig Road in Chinese Village to Virginia Avenue in Chinese Village;
- iv. from Point D'or Junction to the Brighton Anglican School in La Brea;
- v. from Point D'or Junction to Prothere Street Junction in La Brea;
- vi. from Vessigny Secondary School to Union Village in Vessigny;

- vii. from Kern Street Junction to Murray Street Junction in Vance River;
- viii. from Lime Field Road to Evening Breeze Street in Cochrane Village;
- ix. from Ramdeo Drive to the Brazilian Nut trees in Arena;
- x. from the Junction of Jacob Alley No. 1 to No. 9 Road Palo Seco?

The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan): Thank you, Madam Deputy Speaker. The Member for La Brea has highlighted 10 areas in his constituency in which he claims they are bereft of pavements for pedestrians, and they need pavements. I am astonished that after so many years of his Government being in office, and he being the Member of Parliament, all of these areas have so been so vastly neglected in his constituency. [Interruption]

Hon. Member: “Just answer de question, nuh.”

Hon. Dr. S. Rambachan: But these areas that are highlighted, I am advised by the Ministry of Works and Infrastructure personnel, generally fall under the jurisdiction of the Ministry of Local Government. It would be easy for me to say that we are not going to address this question, but a lot of these involve issues of children walking to school and what have you, and, therefore, I have asked my Ministry and also the URP programme to work in conjunction with the Ministry of Local Government to see how some of these matters can be, in fact, addressed.

Mr. Jeffrey: Madam Deputy Speaker, all I am interested in finding out is when.

Madam Deputy Speaker: So you have a supplemental?

Mr. Jeffrey: Yes, supplemental.

Hon. Dr. S. Rambachan: Madam Deputy Speaker, it is very, very strange, you know, how the people of La Brea have been treated with such brutality by the PNM, that these issues were never addressed. It is very serious. Ten areas where you ought to have pavements and you never addressed it. I will bring before this House what we have been doing in these areas for the last five years, to address certain issues, but the estimates are going to be provided to me very soon. Within about four weeks I think these estimates should be ready and then I will be able to address it further.

**Repair of Landslips
(Erin/Lot 10 Village)**

70. Mr. Fitzgerald Jeffrey (*La Brea*) asked the hon. Minister of Local Government:

Could the Minister indicate when the following landslips will be repaired:

- i. Upper Carapal, Erin
- ii. Entrance to Lot 10 Village?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Thank you, Madam Deputy Speaker. On behalf of the hon. Minister of Local Government, response to question No. 70. The Member for La Brea is asking the Minister when will the following landslips be repaired: Upper Carapal, Erin and entrance to Lot 10 Village.

In keeping with the Government's policy and the development of pillars of people-centred development, poverty eradication and social justice, the Ministry of Local Government facilitates in the infrastructure development process through the restoration of landslips.

The landslips located at Upper Carapal, Erin and at entrance to Lot 10 Village are both located within the Siparia Regional Corporation. The landslip located at Upper Carapal, Erin was repaired by the Ministry of Local Government's engineering unit in September 2014. The Member filed this question on December 05, 2014, and was unaware that landslip was actually fixed by the Ministry of Local Government in September 2014.

Cabinet is asked to note that the landslip located at the entrance of Lot 10 Village falls under the jurisdiction of the Ministry of Works and Infrastructure. The question has been transmitted to the relevant Ministry for an appropriate response to the hon. Member, but the response we have from the Ministry of Local Government is, indeed, in September 2014 the landslip at Upper Carapal, Erin was repaired, unaware to the Member of Parliament.

Mr. Jeffrey: Supplemental. Hon. Minister, are you aware that who supplied you with that information has given you false information?

Hon. Dr. R. Moonilal: Madam Deputy Speaker, please, we have a response from the Ministry and Minister of Local Government as the commitment was made.

Mr. Jeffrey: That landslip has not been repaired.

Hon. Dr. R. Moonilal: The Member should really do a tour of his constituency and see what work has been done. [*Crosstalk*] “Yuh never there.”

**Repair of Landslips
(Vance River/Sobo Village)**

71. Mr. Fitzgerald Jeffrey (*La Brea*) asked the hon. Minister of Works and Infrastructure:

Having noted the Minister’s response to question No. 87 on April 4, 2014, in the House of Representatives, could the Minister indicate when the following landslips will be repaired:

- i. Fortune Mc Carthy Street, Vance River
- ii. LP #59 Sobo Extension, Sobo Village?

The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan): Madam Deputy Speaker, the hon. Member wishes to find out when the following landslips will be repaired: Fortune Mc Carthy Street in Vance River and LP #59 Sobo Extension, Sobo Village.

The Member would very well be aware that both of these areas fall within the purview of the Ministry of Local Government and/or the regional corporation. In case they are unable to do this work, we will enquire again, and then the Ministry of Works and Infrastructure through one of the programmes will have to intervene. But at this stage, we have had no request from them to enter these roads which they control and do any work there at all.

Mr. Jeffrey: Supplemental. Hon. Minister, we were advised right in this House here by the Minister of Local Government that those projects were going to be sent to the Minister of Works and Infrastructure, and I am shocked by that response.

Hon. Dr. S. Rambachan: I was not so advised. I heard about Upper Carapal and so on, but I did not hear about Fortune Mc Carthy Street, Vance River or LP #59, Sobo Extension, Sobo Village.

What the Member for La Brea should be fully aware of is that in the Sobo area we are doing extensive works with respect to drainage, and very soon we are going to pave that area where the drains are done. I do not know if the Member is aware of what is going on in his constituency or whether he has visited that area within recent times.

Mr. Jeffrey: “Hon. Minister, you make me laugh yes.”

Hon. Dr. S. Rambachan: Have you visited Sobo?

Mr. Jeffrey: I have not raised a question about Sobo.

Madam Deputy Speaker: Are you on a supplemental?

Mr. Jeffrey: Yes.

Madam Deputy Speaker: Proceed, please.

Hon. Dr. S. Rambachan: Because you do not want to say what is really going on there.

Madam Deputy Speaker: Proceed with your supplemental.

Mr. Jeffrey: Hon. Minister, what I would like to find out is whether or not we would get Fortune Mc Carthy Street and LP #59 Sobo Extension landslips repaired?

Hon. Dr. S. Rambachan: I do not want to be disrespectful to the Member for La Brea, but I wonder if he has tried to make an enquiry of the Siparia Regional Corporation where this matter resides. I wonder if the Member goes to the statutory meetings of the Siparia Regional Corporation and places his questions there as he is entitled to under public matters.

Mr. Jeffrey: Of course.

Hon. Dr. S. Rambachan: Or whether his representation is so limited that he does not know about Carapal, nor he does not know about Vance River and he does not know that he can go to the Siparia Regional Corporation and make representation? But I am not like that, you see. I am going to visit during the forthcoming week and see what can be done in the particular areas. Do you know why? We do not discriminate as you used to discriminate against areas in the country. [*Desk thumping*] We go out there and deal with the issues of the people.

Mr. Jeffrey: Are you aware, hon. Minister, that the Ministry of Local Government claimed that because of lack of funding they were unable to do those projects, and they have been forwarded to the Ministry of Works and Infrastructure?

Hon. Dr. S. Rambachan: I have no such evidence of any such claims at the Ministry of Local Government.

Mr. Jeffrey: “Well that is allyuh problem.”

Hon. Dr. S. Rambachan: I have no evidence. The Member for La Brea is free to come and make whatever assertions that he can make here, just like he made about the quarry to Palo Seco and tried to stimulate problems in that area, and now the people are turning against him with a kind of force and brutality that he cannot deal with.

Mr. Jeffrey: Discrimination!

Hon. Dr. S. Rambachan: That is your mantra: discrimination.

**WRITTEN ANSWERS TO QUESTIONS
(Questions Nos. 41 and 42)**

Dr. Keith Rowley (*Diego Martin West*): Madam Deputy Speaker, I crave your indulgence to raise a matter with you on question time.

There are two questions, Nos. 41 and 42, both of which qualified on December 11, 2014. They had been deferred and deferred by the Government, and I invoked Standing Order 29(13) before. I rise again to invoke Standing Order 29(13) with respect to the non-answering of questions No. 41 and No. 42, and I would ask that you take the necessary action.

3.00 p.m.

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, there are three questions on the Order Paper today. We have supplied already to the Parliament the response to question No. 43 by the Minister of Works and Infrastructure. That has been supplied by the Parliament. I imagine it would be circulated during the course of the proceedings. We are in a position today, Madam Deputy Speaker, to circulate the answer to question—I believe it is No. 42—today, and will ask for a deferral on question No. 41. But out of the three questions for written reply, we indeed have two responses for two out of them, one from the Attorney General and one from the Ministry of Works and Infrastructure.

Dr. Rowley: Madam Deputy Speaker, that having been said, I still maintain my position to invoke 29(13) with respect to No. 41.

Hon. Dr. R. Moonilal: Just now. Let me just qualify.

Madam Deputy Speaker: Okay. So—Yes. Okay.

Dr. Rowley: Thank you.

Mr. Imbert: Thank you very much for acknowledging, Madam Deputy Speaker. Could we just get some clarity on what has happened to questions 63, 64 and 65, please, which are on the Order Paper for today?

Hon. Dr. R. Moonilal: I think that matter was dealt with earlier.

Mr. Imbert: Yes. But what has happened to them? Are you deferring them?

Hon. Dr. R. Moonilal: Were you in the House?

Mr. Imbert: Yes. I was here.

Hon. Dr. R. Moonilal: And you did not hear?

Mr. Imbert: I asked these questions six months ago, you know. Are you deferring them?

Hon. Dr. R. Moonilal: Did you hear what I said earlier?

Mr. Imbert: Madam Deputy Speaker, could I get clarity?

Hon. Dr. R. Moonilal: I am not repeating what I said. I dealt with it earlier.

Mr. Imbert: Six months ago I asked these questions. I would like an answer please, Madam Deputy Speaker.

Madam Deputy Speaker: Hon. Member for Diego Martin North/East, I heard the Leader of Government Business in his indication regarding questions for answers today, had asked that those questions be deferred for two weeks.

Mr. Imbert: Thank you very much, Madam Deputy Speaker. These lapsed in the last—*[Interruption]*

Hon. Dr. R. Moonilal: What is this, a speech?

Mr. Imbert: They lapsed in the last session. *[Crosstalk]*

Madam Deputy Speaker: I have already ruled on the question. *[Crosstalk]*

Mr. Imbert: What are you afraid of?

Madam Deputy Speaker: I have already ruled on the question. *[Crosstalk]* Please, please. The Clerk is trying to read, and it is, in a sense, that I cannot hear her though I sit just at the back of her. You may proceed.

TRADE MARKS BILL, 2014

Order for second reading read.

The Minister of Legal Affairs and Minister of Justice (Hon. Prakash Ramadhar): Madam Deputy Speaker, I beg to move:

That a Bill to repeal and replace the Trade Marks Act, Chap. 82:81 and to provide for the law relating to trade marks and related matters, be now read a second time.

Madam Deputy Speaker, I have the privilege to pilot this historic Bill. The Trade Marks Bill, 2014 is intended to repeal and replace the current Trade Marks Act 11 of 1955. This Bill is modelled primarily on a modern and progressive Singapore Trade Marks Act, Chap. 332 which was in fact brought into law there in 2005. [*Crosstalk*] Thank you very much, Madam Deputy Speaker. That Act is itself based primarily upon the UK 1994 Trade Marks Act which modernized trademark law and practice at the time it came into being. One of the reasons for addressing the trademark legislation at this time is the changing international trademark landscape and the underlying economic importance of trademarks to all levels of business.

Trademarks, brands and logos do more than identify goods and services of companies. Very often they represent the ethos of a business entity. It represents its reputation and fixes the expectation of the consumer—that is, they represent what that entity stands for, as well as the reputation and goodwill that the business would have developed and nurtured over time.

In Trinidad and Tobago in order for a trademark owner to obtain exclusive rights—[*Crosstalk*] my God, please—he must register under the Trade Marks Act, Chap.—sorry—11 of 1955. The present Trade Marks Act has been with us since January 2, 1957 and has been amended on three occasions by virtue of Acts No. 17 of 1994, No. 25 of 1996, and No. 31 of 1997. On each occasion, Madam Deputy Speaker, it was prompted by the need to comply with various international obligations including the agreements on trade-related aspects of intellectual property rights among others.

On this occasion, the Bill before us has not been brought in response to any external pressures, rather it has been brought on the basis of this Government's recognition of the critical role which intellectual property and related issues already play and which they must continue to play in our future.

Trade Marks Bill, 2014
[HON. P. RAMADHAR]

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As we continue our thrust to diversify the nation's economy away from its unhealthy reliance on hydrocarbons and into other productive areas, I submit that investment in our people's creative talents not only makes very good sense, but it is also quite critical. I will say more about that presently, Madam Deputy Speaker.

The original draft of the Trade Marks Bill for Trinidad and Tobago was prepared with a great deal of assistance from the World Intellectual Property Organization in consultation with local stakeholders such as IP attorneys and agents.

I want to place on record, Madam Deputy Speaker, our Government's thanks and immense gratitude to the Director General of WIPO, Dr. Francis Gurry and to his staff in Geneva, Switzerland. WIPO has been a tremendous source of inspiration and assistance, far more than I could ever begin to articulate. The organization has lent willing support to the Intellectual Property Office of my Ministry, inclusive of the provision of consultants and the training for our staff, often at its own expense.

With the assistance of WIPO, consultations on this Bill were held with stakeholders and users of the IP and trademarks systems. Among those consulted were the Chief Parliamentary Counsel of the Ministry of the AG, local trademark attorneys and agents, officers of the Customs and Excise Division and members of the private Bar who specialize in intellectual property. A draft Bill was also sent to the Director of Public Prosecutions for comment.

Madam Deputy Speaker, we have sought counsel from a wide net of stakeholders, and while there were little differences with respect to some of the issues which a Bill like this should address, and the form that some of the measures should take, there was a general consensus that the time had indeed come for trademark laws to be further modernized.

I want also to thank all those local stakeholders who took the time and made the effort to sit with the IPO and with the consultants to come up with this legislation.

Before going further, Madam Deputy Speaker, I think it would be quite helpful to this debate for me to make a few simple but important observations which might assist hon. Members in the understanding of the subject matter at hand.

The first thing I want to do, Madam Deputy Speaker, is to make a necessary distinction as it relates to trademarks and related matters. The primary subject of

this Bill is trademarks, which is a form of IP protection for brands and logos for products and services. These are quite separate and are not to be confused with patents which protect an invention, a product or a process that either provides a new way of doing something or offers a new technical solution to a problem. Then there are industrial designs, Madam Deputy Speaker, which have to do with how a particular article might look or appear to the eye.

Finally, there are copyright and related rights, which cover original literary, dramatic, artistic works such as books, movies and even our works of mas. Like other forms of intellectual property, trademarks are indeed property. They are intangible assets, but they are assets nonetheless.

I want to emphasize that it does not matter what size the business might be or what volume of goods and services are being traded, that company's trademark is its property and it has value to that company. To make the point—why would someone pay close to \$400 for a Nike jersey, when one can go to the market for an unbranded jersey of similar look and possible quality and pay just \$40? In fact, some trademarks have become so widely recognized and so intimately associated with particular companies that the value of the trademarks themselves far surpasses the value of those companies' tangible assets.

Take two giants, for example, in the technology marketplace: the value of Apple as a brand is in the region of US \$118 billion. Similarly, Google, as a brand, is worth approximately US \$107 billion. In both cases, the value of the brand exceeds the value of those companies' physical assets. I imagine the same will apply to many of our local manufacturers whose brands have been developed over many years and are now easily identifiable both at home and abroad. Some which immediately come to mind include Carib and Stag, KC Confectionery, SM Jaleel and their Chubby soft drink to name just a few.

In fact, Madam Deputy Speaker, it is estimated that in many instances the intangible assets of some firms represent more than 80 per cent of the total market value to those businesses. In some others, particularly those in the service sector, more than 90 per cent of the value of the firm is tied into its brand.

As I mentioned Chubby, Madam Deputy Speaker, permit me to congratulate SM Jaleel & Company for their long and continued use of IP system to market and develop their brand. As some of you may know, Chubby is a trademark that has gained international recognition. The shape of the Chubby bottle enjoyed protection as an industrial design. This allowed SM Jaleel to have exclusive rights to the shape of that bottle.

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Madam Deputy Speaker, despite the successes gained by some of local companies in developing and expanding their brands, the reality is that in Trinidad and Tobago the vast majority of companies which use our trademarks infrastructure are indeed foreign entities. In fact, the use of our trademarks system is split into a ratio of about 85 per cent to 15 per cent in favour of foreign enterprises over local enterprises. Our statistics show that in 2013, for example, 1,441 trademark applications were filed at the IP office. Only 311 of these were filed by nationals.

Consistent with previous years, the majority of applications—1,130—were filed by non-nationals through their attorneys-at-law and local agents. Not to be misunderstood, Madam Deputy Speaker, it is not that we are complaining about the number of foreign bodies that file trademark applications with our IPO, indeed quite the opposite is true. The fact that so many foreign individuals and companies file with us is a demonstration of the confidence in the quality of work dispensed by the IP office of Trinidad and Tobago.

Many may recall, it was revealed only late last year that computer giant Apple chose our office to file documents to protect its highly coveted Apple Watch. What many do not know is that even before the Apple Watch, Apple had been a frequent user of our office. It has been a port of first call. Its popular and globally sought-after iPhones—applications were made to first register them here.

So, Madam Deputy Speaker, we welcome the business of these companies and we are grateful for their support and demonstrated confidence. What we would like to do now is to provide more of the same kind of quality service to our local innovators. It is for this reason the Government believes that it is necessary and prudent to bring our trademarks legislation up to international standards so that we may offer greater protection to existing holders of trademarks and encourage other local businesses to develop their brands as well.

While we feel satisfied that the present system in place at the IP Office has been and continues to function efficiently, we are also satisfied of the need to bring about enhancements that will make the system even better and more relevant to today's users.

This Bill, therefore, is viewed by the IPO and by the Government as a significant economic tool that will encourage more local traders, entrepreneurs and proprietors to give deeper thought to their branding and encourage them to apply for their trademarks. This, Madam Deputy Speaker, is because of the tremendous opportunities which the IPO system offers to our citizens.

Shortly after assuming office in 2010, and taking on the responsibility for the IPO, I asked for an IP audit to be conducted to determine the contribution of IP and related matters to the domestic economy. This audit would have provided us with the kind of information needed to make properly informed decisions about the strategies we needed to develop and implement. After consultations with WIPO, Dr. Varnes James of Tobago was commissioned to conduct this audit. He had submitted a report in 2012 and it revealed that in Trinidad and Tobago almost 6 per cent, Madam Deputy Speaker—and I want to repeat this—that almost 6 per cent of all jobs created was in the copyright and related sectors.

3.15 p.m.

Permit me to quote a short extract from his report:

“...despite the overwhelming dominance of the petroleum industry, copyright-based industries contributed 4.8 % of the GDP and 5 % of all jobs in 2011...These estimates are broadly in line with the global trends in 2011, which average 5.5 % of GDP and 5.8 % of jobs.”

Just to place into proper perspective, the report added:

“With respect to trade in copyright output...the copyright sector was a net positive contributor to the flow of foreign exchange, yielding about US \$32 million of foreign exchange in 2000, US \$35 million in 2007, and US \$50 million in 2011.”

They convert to some \$320 million worth of foreign exchange earnings in 2011. Against this background, Madam Deputy Speaker, the time for making strategic use of the IP system could not be more appropriate than it is now, when our extremely creative people have set their eyes on regional and international markets.

Madam Deputy Speaker, I mentioned at the start of my presentation that the Trade Marks Bill before this honourable House today was influenced by and drafted along the lines of the Trade Marks Act of Singapore, and that was not by accident. It was because, like the Government of Singapore, the Government of Trinidad and Tobago used intellectual property as a preferred means of inspiring innovation and economic development; some have gone so far as to describe Singapore as Trinidad and Tobago’s eastern alter ego.

But, Madam Deputy Speaker, I might point out that in addition to looking at the Singaporean model we also took account of what several other countries of the Commonwealth were doing, countries such as Australia, New Zealand and

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Canada. Out of that exercise we worked closely with WIPO to develop legislation that would best cater to the particular needs of Trinidad and Tobago, and that would be consistent with the Government's "Seven interconnected Pillars for Sustainable Development".

Madam Deputy Speaker, you will recall that Pillar 5 of our 2010 election manifesto, which was laid in this honourable House, as Government policy, speaks to the creation of a more diversified knowledge intensive economy. It is our view, and I have said it repeatedly, that long after the last drop of oil is extracted and long after our last cubic metre of gas is used, it is the creative genius of our people that would sustain Trinidad and Tobago's economy. This is because I am absolutely convinced that in this tiny nation of Trinidad and Tobago we possess some of the most brilliant and creative minds to be found anywhere in this world. [*Desk thumping*]

Our people have consistently demonstrated their capacity to be innovative and to find solutions to complex and seemingly unsolvable problems that have been with us for many, many years. One such real example is Mr. Ken Dalchand, who was concerned about the perennial flooding which had occurred for many, many years in Bamboo No. 3. His engineering designs have effectively ended, or at least significantly reduced, flooding in that area, bringing relief to all those families whose lives would otherwise be disrupted several times a year, year after year. It is to be expected that this solution would be used in other areas very shortly. His is but one example and there are many, many more.

What is absolutely amazing, however, is that despite our creative genius and obvious talents, the one thing we have never truly learnt is how to monetize these talents and channel them into creation of sustainable industries. And this will never happen unless we create an environment that is supportive of a pro IP ethos, which is essential as a prerequisite for developing innovative people and growing competitive businesses. Innovation and creativity can be sustained only if there is an effective system in place to ensure that IP rights are protected and that innovators and creators benefit from the products of their creative efforts.

To that extent, the Government continues to pursue the creation of its pillars. It has an automatic obligation, therefore, to pursue the creation of their supportive and enabling IP environment. In fact, I want to suggest that the State has within its bosom, the ability and a duty to take a leading role in the development of this country's trademark system. Contrary to popular thinking trademarks and intellectual property issues are by no means limited to the private sector.

Many of our Ministries and state agencies also have trade marks attached to their goods and services. On the basis of discussions I had about three years ago with a director general of WIPO, an intellectual property audit of the public sector was conducted to inform an intellectual property strategy for this Government. That audit revealed widespread use and creation of brands and other intangible assets that could have immense economic value for the State and for the country.

However, many public entities were largely unaware of the fact that they were creating intellectual property which might have marketable value. This is because their focus is mainly on the actual delivery of the goods and services they produce, and because they paid little or no attention to the market perception of those goods and services. It is the view of the Ministry of Legal Affairs that proactive management of an IP portfolio is essential for any entity that recognizes the value of its IP assets.

I imagine that if our state-owned companies involved in the energy sector were using IP systems to safeguard their innovations, they would be able to leverage more value out of the solutions they have created by their in-house geniuses and creative minds. But, it is not only the state energy sector which has not fully realized its potential of a significant earnings from its IP capital. One of the greatest failures of this country's history will forever be its failure to capitalize on almost 100 years of research and development of our world famous cocoa blends.

Madam Deputy Speaker, the world has long recognized Trinidad and Tobago as a producer of the finest quality of cocoa. [*Desk thumping*] It is why our locally produced commodity attracts a price on the international market that is far higher than cocoa produced anywhere else. For over 75 years this country has been engaged in research and development with great success to further improve upon the quality of this product. But, have we really benefited from all those years of effort and expenditure of public funds? Unfortunately, very, very little.

You see, Madam Deputy Speaker, while we have done the research and improved our product, we have never fully appreciated the need to protect our work through the intellectual property system. The result has been that our research, our hard work, our expense has been lost to others. That said, I must commend now, the former Minister of Food Production, Minister Vasant Bharath, for taking steps, while he headed that Ministry, to salvage whatever we could from our research into cocoa. I also want to commend the present Minister of Food Production, Minister Devant Maharaj, for his continued efforts along that way. [*Desk thumping*]

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I am advised by the Intellectual Property Office, that 11 new varieties of cocoa have been filed by the Ministry of Food Production and are under examination for the grant of plant breeders' rights. I am further advised by the IPO that as this country expands its marketing of its cocoa, the issue of certification and certification marks will become of paramount importance. This will be necessary for Trinidad and Tobago to defend what are called sub-regional blends under geographical indications since the flavour profiles of our cocoa differ from Santa Cruz, to Gran Couva, to Speyside in Tobago. Consequently, the IPO has advised the Ministry of Food Production to consider filing these sub-regional blends as geographical indications.

As price differentials arise from sub-regional cocoa flavours, a certification system will need to be developed to assure consumers that they are receiving what they pay for. It is against this background of all these things, we are here today to repeal and replace the Trade Marks Act, Chap, 11 of 1955. This Bill before us today was laid in this House last year so that Members could have had an opportunity to examine its contents and to familiarize themselves with it. So, having regard to the limited time I would not go and cannot go into all the clauses or all of the proposed measures.

I did say a moment ago, however, that this Bill is necessary to further modernize the trademarks laws of Trinidad and Tobago. I want to say a bit then about a few specific provisions so that Members could get a better appreciation of what we are about here today. The Government is satisfied that passage of this Bill is necessary to achieve several broad objectives.

Firstly, it will bring Trinidad and Tobago within the fold of international global standards for modern trade marks legislation. And let me take this opportunity to explain exactly how, by pointing out just a handful of the main provisions of this Bill. There are approximately 18 odd ways in which this legislation would bring Trinidad and Tobago up to date with international best practices in the administration of IP in general and trade marks in particular. The major ones are found at section 3. The Bill will introduce a broader definition of a trade mark which will permit the registration of new types of marks such as scents, sounds and tastes, provided that they are capable of they being graphically represented.

What this means, is that if and when our manufacturers of food, snacks for example, develop a new and unique tasting product, they will have the capacity to gain trade mark protection for that taste. So too, if we had producers of fragrances, they could develop new scents using natural flora and gain protection

for those scents, not just the name of those scents. And likewise, sounds; if our companies wished to be associated with some unique sound, then that sound would be registrable providing it meets established criteria. I would give you one example, Madam Deputy Speaker. You know whenever there is an intel ad you hear that sound intel inside, and you know that sound is associated with intel, and therefore, that sound itself has now the capacity to be a trade mark. That could not have been done before.

A second important feature of this Bill is that it seeks to remove an existing distinction which exists between Part A and Part B of the trade marks register. In so doing we have established a single criteria for registrability, namely that the item is capable of distinguishing. That is, it can be distinguished from other similar items. The provisions of the Trade Marks Bill will also facilitate the electronic filing of trade marks application when the Trinidad and Tobago Intellectual Property Office is equipped to offer such filing. Under our current system, the only way we can file is by the use of paper.

Section 5 of the Bill states that an application for registration of a trade mark shall be made in the prescribed manner to the Controller, so allowing movement into a modern era where electronic filings will soon, in the near future, be possible. The protection of collective marks: the existing Trade Marks Act does not provide for the registration of collective marks which are marks that belong to an association of persons. This Bill will change that. It is found in section 64 of the Bill, for example. We can speak of the TTMA or the Law Association of Trinidad and Tobago. At present, associations of persons, registered earmarks without any particular regulations that govern the use of the mark as the collective mark, or identify the particular mark as the collective mark. It would also allow for the protection of well-known marks.

The current practice at the TTIPO is that well-known marks are protected irrespective of whether they are registered or not. Under the Trade Marks Bill, a mark can be protected in Trinidad and Tobago whether or not its proprietors carry on business or as goodwill in Trinidad and Tobago. With respect to the infringement, this Trade Marks Bill makes it an offence for anyone to use the same or a similar mark on any product or service for which it has not been registered. Infringement is found at clauses 28 and 29 of the Bill.

In other words, if someone attaches a proprietor's mark or a similar mark to any good or service for which that mark has not been registered, he or she would be guilty of an offence. I want to spend a few moments, because very often it is believed that knock-offs or counterfeit items, nothing is really wrong with it apart

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from the issue of the financial loss, and many in our society walk around with their fancy looking Rolexes and other things that look like the authentic items, but, indeed, they are not, and I will not ask for an audit of those Members in this House to see what they actually have. [*Laughter*]

We hear of Michael Kors bags, [*Interruption*] and all those counterfeits, and we may laugh about them. But one of the great dangers that we have to protect against is that we have never really considered the issue of counterfeit for car parts as an example, where brakes and other suspension items—one would believe that they are buying a brand name, when, in fact, they are buying a counterfeit that may not be as durable or reliable as that which we may have become accustomed to. That is one thing, that your physical safety is jeopardized by the use of counterfeit products.

But, you know another main issue, Madam Deputy Speaker, that we have overlooked over the years is that the burgeoning market of counterfeit drugs—there are drugs under supposed brand names that are nothing other than chalk, I understand, or filler—[*Interruption*]

3.30 p.m.

Dr. Gopeesingh: Pharmaceuticals.

Hon. P. Ramadhar: Pharmaceuticals, yes, and persons take these drugs, they buy it, they pay and they assume that it is good drugs and they end up, some of them dying or their health pays a very heavy price for it.

Another aspect of it is, in terms of counterfeit antibiotics, and let me explain what that is all about. You have some that present themselves to be antibiotics. In fact, they have no antibiotic quality whatsoever. That is bad in itself. But what is even worse is that there are some counterfeit drugs where the quality of the antibiotics is of such low quality that when one takes a prescribed regime of the antibiotic drug, what it does is that it allows for the creation of superbugs resistant to many other antibiotics and these are matters that have not just an effect on the person who is taking the drugs but the wider society, in fact, the world. Therefore, it is very, very important for us to understand the dangers of counterfeit drugs, of counterfeit equipment and counterfeit anything.

If I may use a common offence, Madam Deputy Speaker, which everyone can relate to, in relation to this new Trade Marks Bill that we are bringing, it has become the habit among persons who trade in pirated CDs and DVDs to copy songs and movies onto discs which do not carry any kind of label. At present such

persons can be charged under the Copyright Act for infringement of the producer's copyright ownership. But if such persons print a label which they place on the CD or DVD jacket, as indeed they do, and that label carries a producer's registered trademark, that vendor can be charged under the Trade Marks Act as well as under the Copyright Act.

Further to this, Madam Deputy Speaker, this Bill creates a number of criminal offences which include not only the counterfeiting of a trademark but it includes—*[Interruption]*

Mrs. Persad-Bissessar SC: Can you give way for a short—

Hon. P. Ramadhar: Absolutely.

ORAL ANSWER TO QUESTION

Clarification Re: Commission of Enquiry (LifeSport)

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you very much for giving way. Madam Deputy Speaker, with your leave I crave the indulgence of this Chamber just to clarify a matter that arose earlier which I think is important and I do not want too much time to elapse and we do not clarify it.

When we were answering the question on the LifeSport matter, the hon. Leader of the Opposition mentioned the Auditor General's Report of 2013, and I did then say—and I was laughed at by some of them, but I was very clear of the facts—that the Auditor General's Report 2013, would not have come out in 2013 and always there is a delay. So we cannot do a report for 2013 in 2013, it is done thereafter.

So, I just want to confirm the Auditor General's Report which contains the matters of the LifeSport, is dated April 29, 2014, and thereafter it was laid in this honourable House on May 9, 2014. So we would have sight of it or ought to have sight of it, not everybody reads everything, at the earliest when it was laid in this House. That being said, Madam Deputy Speaker, in addition—so let us get the timelines in place—April 29, 2014, Auditor General's Report 2013, laid in the House.

Secondly, Central Audit Committee report was laid in the House in July 2014. This is a report referred to and thereafter had it referred to the DPP and so on. So we laid it. So from May, immediately in May, after we had sight of this report we caused this report to be done by the Central Audit Committee of the Ministry of Finance and the Economy and thereafter laid it in this House on the same day we

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received it, dated July 25, 2014. Thereafter, on July 31, 2014, I revoked the appointment of the Minister of Sport and the matters were all sent off to the various authorities. [*Desk thumping*]

The impression being given was that in 2013 I knew of all of this and did nothing.

Mr. Hypolite: Madam Deputy Speaker—[*Interruption*]

Hon. K. Persad-Bissessar SC: And it was within a matter of a few months—I craved the indulgence of the hon. Chamber and the Member gave way, thank you very much. But I am done, Member for Laventille West, to clarify this matter. So let us not forget the dates, there was a timeline to clarify the thing. It is very clear we acted instantly and took steps with respect to that matter. I thank you all very much for your indulgence. [*Interruption*]

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Hon. P. Ramadhar: Thank you, and we are very grateful to the Prime Minister for that important timeline, the tightness and the action, oriented efforts of this Government.

We were speaking earlier, Madam Deputy Speaker, about criminal offences and in relation to the trademarks. And this Bill creates a number of criminal offences which include not only the counterfeiting of a trademark but it includes making an article that is specifically designed for making copies of a registered trademark.

Offences can be found at Part V of the Bill at clauses 49 through 56. So the clear intention here is to go after, not only those who are involved in trademark counterfeiting at the front end, but also to go after those at the back end of the process, those who produce the instruments which manufacture counterfeit trademarks. And very importantly, Madam Deputy Speaker, this Bill expands the authority of both Customs and Excise Division and the police service in relation to enforcement proceedings against counterfeit trademarks.

I want to take a moment, Madam Deputy Speaker, to explain what that involves, and I want it to be made abundantly clear and I emphasize strongly, that this Bill does not attempt to give any power or authority to either the police or to the Customs and Excise Division which they do not already have. I shall repeat it, this Bill does not attempt to give any power or authority to either the police or to the Customs and Excise Division which they do not already have. What it does

however, is allow these authorities to use the power they already possess under other legislation to now enforce laws related to trademarks and intellectual property.

Madam Deputy Speaker, this can be likened to a night watchman who stands guard over a warehouse filled with paint. He already has authority to protect and defend that warehouse from intruders. Then at some later time its owners add paintbrushes and thinners to the inventory. The watchman is not given any additional power or authority but he is required to watch over a wider range of products. So too this Bill allows the police and officers of the Customs and Excise Division to exercise power they already have over a new inventory, that is, trademarks. Those are just some of the many ways in which the provisions of this Bill before us will bring our trademarks legislation up to international standards.

The second broad objective of this Bill is to allow and facilitate Trinidad and Tobago's accession to the Madrid Protocol for the International Registration of Marks, also known as the Madrid Protocol. The Madrid regulations and the trademark regulations have already been drafted and are currently being reviewed by the CPC and WIPO. A section to the Madrid Protocol, Madam Deputy Speaker, has been long in the making and is something which has been actively engaging the attention of the IP Office for several years.

In its simplest explanation, this protocol is really a simplified method for gaining trademark protection in multiple jurisdictions resulting in significant cost savings for proprietors as well as significant savings in the time that it takes to complete the process. What happens at present is that a person who wishes to gain protection for his trademark in multiple jurisdictions must file individual applications in each of these jurisdictions. This is very historic, Madam Deputy Speaker, and as bland as some—trademark is not an exciting topic but the effect of it is going to be extremely generous to the benefit of our people.

Madam Deputy Speaker, what happens at present is that a person who wishes to gain protection for his trademark in multiple jurisdictions must file individual application in each of these jurisdictions. This means that he must pay individual filing fees in each jurisdiction, he must pay legal fees in each jurisdiction and he must pay translation fees for each jurisdiction as applicable. But by accession to the Madrid Protocol persons will be able to register their trademark in Trinidad and Tobago and automatically gain protection in as many countries, as he chooses, that are signatories to the protocol.

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At present, I understand there are 93 countries that are signatories to this protocol. The way it would work is that upon filing an application here for trademark protection and upon paying a single prescribed fee, you would be able to get coverage in any number of countries that you wish, but you pay the filing fees in those countries. If you require protection in more jurisdictions you would be required to pay the additional filing fee only for each additional jurisdiction. You will not be required to pay additional legal fees, nor translation fees as these are one-time payments which are built into the initial registration fee.

If I may use a practical example to illustrate the point, let us say someone wanted to file a single brand in four classes of goods and services in some major markets such as the United States, European Union, Japan and Mexico. Under the Madrid system to which Trinidad and Tobago is seeking accession, one could expect to pay a total of \$60,000 as a single fee using one single application, one single form written in English. If the same protection had to be sought under the present Paris system, the applicant would have to file separate applications in each of the desired countries, pay separate legal fees and pay to have the information translated into the languages of the respective countries. The administrative fees alone, not taking into account legal and translation fees, will equate the total cost of using the Madrid Protocol method.

But, Madam Deputy Speaker, the financial benefits of the Madrid system aside, the biggest benefit over using the conventional system is the time and effort that will be saved. Filing through the national IP Office and the International Bureau of the World Intellectual Property Organization will allow an applicant to deal with an amendment for renewal centrally through the same office. He will not have to go globetrotting himself nor will he need to incur the expense of hiring lawyers all across the world to act on his behalf.

I should also state here that the third broad objective of this Bill before us is to make Trinidad and Tobago compliant with its obligation under the Cariforum/European Community Economic Partnership Agreement. The deadline for becoming compliant with this agreement is not upon us yet, but it is ahead of us and it is something we would have to treat with and we chose to do so at this point in time.

I cannot emphasize enough the critical need for Trinidad and Tobago to begin monetizing more and more of its intellectual and creative capacity. The need is well recognized by this Government and we have made the commitment to do whatever is reasonably necessary to direct our citizens in that way. This is borne out, Madam Deputy Speaker, by the aggressive approach by our Ministry in

dealing with a number of intellectual property related issues that have been unresolved and left festering for many years. One of them has to do with matters of copyright and the operation of local collective management societies. There exist in Trinidad and Tobago several privately owned and operated organizations which purport to represent the interest of various artistes and performers.

Over the past several years as these private organizations continue to jostle for space, conflict has arisen over which collective management organization has the right and authority to demand and receive royalty fees on behalf of the artistes it represents with each organization asserting its own rights. The result of this conflict has been confusion among promoters of fetes and other carnival events, in particular, about which of these organizations they should pay royalties to. The confusion has even led to some fetes being threatened and the court having been approached in at least one instance to settle the issue.

Madam Deputy Speaker, I want to place on record that collective management organizations are private entities whose operations fall outside the authority and control of the IPO and the Ministry. However, recognizing the negative impact their dispute was having, the MLA, that is, the Ministry of Legal Affairs, through the IPO, has been attempting to facilitate discussions between the parties. Following several meetings, it was agreed by three major CMOs that WIPO would appoint a mediator to negotiate an amicable settlement. That agreement collapsed when two of the parties failed to pay the mediator's fee to which they had previously agreed. Since then, the Ministry of Legal Affairs has taken an extremely strong position on this matter seeking to bring a settlement through legislation if the parties were unable themselves to reach agreement.

I am pleased to inform this House, Madam Deputy Speaker, that since then the parties have resumed discussions and while there have been minor grumblings, this year's controversies have been far less than they were in previous years. The MLA remains committed to working with the CMOs to reach an amicable solution that is best for all involved but retains its right to take whatever action may be necessary to protect the interest of the wider national community.

Madam Deputy Speaker, apart from the business of collective management and royalties, a lot of work has gone into protecting this country's work of mas. Against tremendous odds and in the face of strong opposition from some countries, Trinidad and Tobago has had to strenuously defend retention of works

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of mas as an example of traditional cultural expression. We see this as necessary because existing copyright laws only provide protection for individual elements which make up the carnival product, such as costumes, music, et cetera.

3.45 p.m.

They fail to recognize the combination of all these individual factors as a single mas product and therefore do not provide the necessary level of protection to this important cultural expression. I must point out that defending works of mas as a form of Trinidad cultural expression did not begin with this Government. The issue predates this administration and it was, in fact, the previous administration which took the policy decision to fight at the level of WIPO for the retention of works of mas. It is a decision we agreed with and supported wholeheartedly, so we have continued the fight. [*Desk thumping*]

I want Members to bear in mind that matters remain unresolved for all these years, not because of anything we might have done or not done as the case may be, but because we continue to work with timelines set by WIPO and its member states. How and when it will be resolved is entirely out of our hands, but we continue to do everything necessary to get the result in this country's favour.

There is one thing I want to deal with, Madam Deputy Speaker, before I end, and it is to deal with the issue of a special majority which has been attached to this Bill. We are mindful of the fact that it seeks to expand the ability of the Controller of Customs and of the police to enforce legislation. Therefore, out of an abundance of caution, more than anything else, we thought it prudent to pass this Bill with a special majority, and there is precedent for that. One only has to go back to the year 2008 when a matter like this came up for debate. The Government of the day was the PNM and the Copyright (Amdt.) Bill was being debated in the Senate. It was then the firebrand Senator, Mr. Wade Mark, who pleaded with the Government to ensure that the Copyright (Amdt.) Bill was passed with a special majority since it appeared to infringe upon the rights of citizens. At the time he suggested that a special majority be used if only as a matter of extreme caution.

Madam Deputy Speaker, it was the then Attorney General under the PNM administration, Bridgette Annisette-George, who pointed out that amendments which were being made—making provisions similar to those being proposed here today—did not require a special majority. After some arguing back and forth, the Bill was eventually passed, unanimously, with a special majority. I raise these

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points only to allay any concerns that Members may have about the constitutionality of the authority which this Bill seeks to give to the police and the Controller of Customs.

With those words, Madam Deputy Speaker, I commend this Bill to this House and I beg to move.

Question proposed.

Mr. Terrance Deyalsingh (*St. Joseph*): Thank you, Madam Deputy Speaker, for allowing me the opportunity to make a contribution to this Bill to repeal and replace the Trade Marks Act, Chap. 82:81 and to provide for the law related to trade marks and related matters.

Madam Deputy Speaker, let me say from the onset—let me make it abundantly clear, crystal clear—that the hon. Member for St. Augustine, in glossing over many of the very serious concerns that not only the Opposition has on this Bill, but also practitioners—I am going to come to that very soon—that in its present form we have some serious issues with it, and I will illustrate because the hon. Member did not refer to a single clause in the Bill, not a clause, not one single clause.

This is a Bill that has 140 clauses of a highly technical nature—highly technical. The language of this Bill is language used by the practitioners in a very small circle that exists in Trinidad and Tobago, and I want to state from the onset, two of the practitioners I have spoken to have not seen this version of this Bill.

Hon. Member: Ooooooh.

Hon. Member: Terrible. Terrible.

Mr. T. Deyalsingh: They have not seen this version of this Bill. And let me tell you how small this circle of practitioners is. I refer to the *Newsday*, February 18, 2005, in which you have the legal notices. When one goes through these applicants, patents, utilities, certificates, industrial designs put out by the IPO, there are four—a grand total of four—practitioners in this area of law. And let me call them out: JD Sellier & Company; Fitzwilliam, Stone, Furness-Smith & Morgan; Mair and Company and M. Hamel-Smith and Company—only four. And I have spoken to two practitioners and they have not seen this version of this Bill.

Mr. Imbert: That is at least 50 per cent.

Mr. T. Deyalsingh: Fifty per cent of it. But I know the Member of Parliament for St. Augustine is now accustomed dealing with small numbers—small numbers.

Mr. Ramadhar: Your IQ, yes.

Miss Mc Donald: No, St. Augustine. [*Crosstalk*]

Mr. T. Deyalsingh: What is important is that he has not told us what the deficiencies are in the old Bill. Because when you go through this notice, listen to the countries that are using Trinidad and Tobago to file for applications in this same thing: France, the United Kingdom, China, Germany, Sweden, the United States of America, Austria, Switzerland, Panama, Mexico, St. Lucia, Luxembourg.

So the Minister has not told us the rationale for this new Bill; not referred to a clause and has briefly scanned over the Madrid Protocol in which I am going to talk at length about. Because one of the main provisions of this Bill is to introduce the Madrid Protocol to Trinidad and Tobago. That is one of the main drivers of this piece of legislation, and the hon. Member glossed it over.

Madam Deputy Speaker, let me just go to one clause in this Bill. Now, as a layperson reading this, I see nothing wrong with it, but when the practitioners read this clause, they were aghast, and I refer specifically to page 10, clause 5(4), and I want to read it:

“The date of an application under subsection (1) shall be the earliest date on which—

(a) all the requirements under subsection (2) have been satisfied; and

(b) all the fees payable under subsection (3)—

(i) have been paid; or

(ii) are treated by the Controller as paid.”

Now, to the layperson, that clause seems fine, but what the practitioners have pointed out to me is that because Trinidad and Tobago is currently a market for applicants, as I have just described, they are now able, under the existing legislation, to go down to the IPO office, make their registration at five to four, so if the office closes at four, your registration is in and it is done. They can come back the following day and do what?—pay their fee. They are now concerned, as the way this Bill is now constructed, that they have to rush down there at five to four, not only with their written application, but with their fee which they may not have at that time. And this is coming, not from me; this is coming from practitioners, because we are a major source of overseas applications. And I will tell you why.

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The hon. Minister mentioned something earlier but did not explain it properly, and I want to explain it now. When Apple chose Trinidad and Tobago to register their “Smartwatch”, do you know why they chose Trinidad and Tobago? Because we are a member to the Paris Convention. What is the Paris Convention? The Paris Convention for the protection of industrial property, Trinidad and Tobago became a signatory to that in August 1964. So we recognized the importance of the intellectual property since 1964. And that convention has 176 contracting parties, and Trinidad and Tobago became a member of WIPO in 1988.

Because of our membership to the Paris Convention, that is why Apple chose Trinidad to register its “Smartwatch”. I want to quote from “MONEYBEAT”, *The Wall Street Journal*, September 10, 2014 because, you see, one can walk away with the impression, just like the Breathalyzer that because they were in power—if I just use an analogy—that deaths came down from 2010. It had to be because of past legislation under the PNM to bring the Breathalyzer. So let me explain what this Paris Convention does. Why would Apple choose Trinidad and Tobago, and I am quoting from the article now:

“Here’s where Trinidad and Tobago enters the picture. The nation and the U.S. are signatories to an international treaty allowing applicants to secure rights in a foreign country and then transfer them over to their home country.”

So right now, as a signatory to the Paris Convention, you can file here and it is applicable to 176 countries, but the Minister will have you believe that it is only under the Madrid Protocol that is going happen. Not so. And this has been going through for ages. And what is the evidence of that?

“(Mr.) Hemraj Dookie, who processes trademark applications for the intellectual property office of the Ministry of Legal Affairs in Trinidad and Tobago, told Law Blog that Apple has submitted more than 250 trademark applications over the years.”

So Trinidad and Tobago is a good source of applicants. What the Minister has not told us is what the deficiencies are in the old Act which allow for companies like Apple who have been using this jurisdiction for years, to now want to repeal the Act. He has not justified repealing the old Act. It is not that we want to oppose it, but come here and justify your case. [*Interruption*]

Hon. Member: Do your work properly.

Mr. T. Deyalsingh: Yeah, and pilot a Bill and speak to the Bill. But the Minister did not mention a clause and wants us to agree to it, and I have picked

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out one clause which has given pause to at least two practitioners in a very small community.

Hon. Member: Clause for pause. He is the new Volney?

Mr. T. Deyalsingh: Madam Deputy Speaker, this whole issue of patents, intellectual property, is very, very important, and one of my biggest regrets—and I think all of us here could agree that we regret the fact that Trinidad and Tobago never patented its steel pan; never did it. And right now it is too late to do that. Too much time has elapsed.

Hon. Member: Unfortunately.

Mr. T. Deyalsingh: It has nothing to do with PNM.

Hon. Member: Yes.

Mr. T. Deyalsingh: I want to refer you to an article written by— [*Crosstalk*] I want to refer you to an article written by Dr. Kris Rampersad. Dr. Kris Rampersad in Caribbean research, wrote a very excellent article about the difficulties in patenting the steel pan. It has nothing to do with the PNM. It has to do with the fact that when the steel pan was invented in Trinidad and Tobago, the whole issue of intellectual property was not one that gained currency. It was never documented so that you could go back to a document and prove where it was invented. By the time any government came into power, too much time has elapsed to go back and file for a patent.

And the evidence I want to use for that, is a song called *A Whiter Shade of Pale*. Everybody should know the song *A Whiter Shade of Pale* by a British group called Procol Harum.

4.00 p.m.

Mr. Peters: “Sing it leh me hear.”

Hon. Member: “Sing it leh we hear.”

Mr. T. Deyalsingh: “Sing it for yuh?”

Mr. Peters: Yeah.

Mr. T. Deyalsingh: Carnival done. If I sing we will have to adjourn the House. “Madam Deputy Speaker, if I sing here we go ha to adjourn the House.”

Mr. Peters: I believe you.

Mr. T. Deyalsingh: You believe that? So the same way too much time had elapsed with the steel pan—because this is important. We have to understand the value and the worth of intellectual property—*Whiter Shade of Pale*, a 1967 hit. If you ask people what they remember most about *A Whiter Shade of Pale*, they will tell you it is the organ riff; not the lyrics, the organ riff that introduces the song and that punctuates the song—“da, da, da, da, da, da”. Right. I “cyar” sing.” Good? The ceiling is not falling down as yet.

When that song was written by the lead singer—he wrote the lyrics and he had this gap in that song, and he went to an organist who composed that riff. The song became a hit. Forty years later, he took the band to court because he felt he should have gotten writing credits—40 years later—because that riff became an integral part of the song. The court initially granted him 40 per cent of the earnings from the royalties to *A Whiter Shade of Pale*. So he won, but it was later overturned because the court felt he had waited too long—and that is the same issue with the steel pan—waited too long and they felt it would open a door, open a floodgate that any session musician who played one note on a recording could now come and claim royalties. So, the lesson for Trinidad and Tobago and the lesson from the steel pan is that if you have something to patent, do not wait, patent it, and I recommend Dr. Kris Rampersad’s article about the patenting of the steel pan to anyone.

Madam Deputy Speaker, this Bill, as I said, seeks to bring home the Madrid Protocol, and the Minister did not, in our view, explain fully to us what is the Madrid Protocol, what are the benefits to us of the Madrid Protocol and what are the disadvantages to us of the Madrid Protocol, and I will attempt to do that. But before I do that, let me tell you some of the countries that have signed up to the Madrid Protocol. In the Caribbean we have one country, Antigua and Barbuda—one—and I would like to ask the Minister: have you and your Ministry contacted Antigua and Barbuda to ask them what has been their experience implementing and using the Madrid Protocol?

Madam Deputy Speaker, there is one Central American country that has signed up to the Madrid Protocol—Mexico. No South American country and one must ask the question: why? As the Minister said, this Bill has implications for diversification and so on, and if south trade, which has been promoted since the days of the hon. Kenneth Valley, is to really bring home the fruit, we have to ask ourselves: why our trading partners in South America are not assenting to the Madrid Protocol? So whilst we have no problems in theory with the Madrid Protocol, we have to know what are the benefits; we have to know what is the protocol, what are the disadvantages.

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Madam Deputy Speaker, the term “Protocol and Agreement” tend to be used loosely and I think, as a responsible Parliament, even though this piece of legislation does not catch fire in the public domain, there is going to be no controversy over this like the run-off Bill, it is not a sexy piece of legislation, it is not going to be mentioned as part of any campaign theme, it is, nevertheless, a very important piece of legislation because it brings in between 5 and 10 per cent of GDP to Trinidad and Tobago. In Jamaica, the figure is about 10 per cent; in the United States it is about 15 per cent. So it is a net earner of foreign exchange.

Even though it is not a sexy piece of legislation, it is critically important to not only practitioners, but to applicants, to those companies and individuals applying for protection so that we do not make the same mistake as the steel pan and *A Whiter Shade of Pale*.

So what is this Madrid system? I am going to quote, Madam Deputy Speaker, with your permission so we can educate the public through you. It is:

“The system of international registration of marks and governed by two treaties: the Madrid Agreement”—so the Madrid Agreement comes first—
“Concerning the International Registration of Marks, which dates from 1891...”

So the agreement is from 1891.

“and the Protocol”—the Madrid Protocol which this Bill speaks about—
“Relating to the Madrid Agreement, which was adopted in 1989”—so almost 100 years later—“entered into force on December 1, 1995, and came into operation on April 1, 1996.”

I hate to be piloting the Bill on the Minister’s behalf, but we have to do this to educate the public. Let us assist him. What are the objectives of the Madrid Protocol? There are two major objectives and I am going to speak about that because my information is that we are not yet ready. The IPO office is not yet ready with the IT infrastructure and backbone to implement the Madrid Protocol because everything is now done electronically.

“The objectives of the system are two-fold. Firstly, it facilitates the obtaining of protection for marks... The registration of a mark in the International Register produces, in the Contracting Parties designated by the applicant, the effects... Secondly, since an international registration is equivalent to a bundle of national registrations”—similar to what happens under the Paris Convention—“the subsequent management of that protection is made much easier.”

So there are clear advantages. I am giving a balanced view of the Madrid Protocol. There are clear advantages to the Madrid Protocol. However, what the Minister did not tell us are, if we are to be objective, what are the drawbacks of the Madrid Protocol? One thing I must state upfront, Madam Deputy Speaker, is to operationalize the Madrid Protocol our local IPO has to be fully IT ready. Fully IT ready! So let us talk about some of the drawbacks or disadvantages.

I have spoken about the advantages, the objectives, so it is cost effective. We agree with that. But what are the disadvantages, and this is where I am asking: have we contacted Antigua and Barbuda who is the only Caribbean signatory to the Madrid Protocol to find out what has been their experience?

Dr. Browne: No, we have not. That would make sense, you see.

Mr. T. Deyalsingh: And, Madam Deputy Speaker, while I am on my legs let me tell you, this issue of a technical Bill, 140 clauses of technical language, needs to be supported by regulations that match that, and the two out of five firms that I have spoken to are very wary of what the regulations will say. We have not seen the regulations. We have not seen the regulations.

Mr. Ramadhar: Protect them.

Mr. T. Deyalsingh: I am not protecting anyone. I am just saying we need to have the regulations to at least look at, not because we want to protect anybody because of the highly technical nature of this Bill. A layperson cannot properly do justice to a debate on this Bill.

Madam Deputy Speaker, let me state our position now before we even go further. We are recommending that we want to support this piece of legislation, but we would like the advice and support of a joint select committee of both Houses and I will tell you why. In the other place you have two IP attorneys: Sen. Faris Al-Rawi, and Sen. Vieira on the Independent Bench.

Mr. Seemungal: Their firms in what?

Dr. Gopeesingh: But it is their firms involved?

Hon. Member: Al-Rawi?

Mr. T. Deyalsingh: No! The firms I called out did not include Al-Rawi. None! None!

So we are suggesting upfront that a Bill of this highly technical nature, that has far-reaching consequences, be referred to a joint select committee which can meet very shortly. They can go through this in about two or three meetings. Bring

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in the stakeholders, because the same stakeholders they are now accusing me of protecting are the same stakeholders they said they consulted with. That is on *Hansard* that they consulted with practitioners and he is now accusing me of wanting to protect a monopoly, and this is the Minister of truth and justice. The sword of truth in one hand and the shield of justice now, and he is now accusing me of wanting to protect big business after he said he consulted with those same persons. You cannot have your cake and eat it too.

Three meetings, a joint select—Lower House, Upper House, Independents. We can have this dished up in a couple of weeks.

Mr. Ramadhar: Yeah right, like procurement.

Mr. T. Deyalsingh: So what are some of the disadvantages of the Madrid system?

Mr. Ramadhar: We are not falling for your foolishness.

Hon. Member: What?

Mr. T. Deyalsingh: What? Foolishness? Not falling for my foolishness. Wow! Wow! Truth and justice.

This Minister wants us to accept a Bill—let me talk about foolishness. He wants us to agree to a Bill, Madam Deputy Speaker, as I have said before, he did not refer to one clause in it. How are we to accept that? Not a clause. That is foolishness. [*Desk thumping*] That is foolishness.

So what are some of the disadvantages of the Madrid Protocol that we need to be aware of? It is:

- “• An international registration”—that—“is dependent on a ‘basic’ application...for five years. Any change to the ‘basic’ application or registration will apply automatically to an international registration. This includes limitations or cancellations.”

It goes on:

- “• If the ‘basic’ application or registration is cancelled, the international registration may need to be transformed into national applications...”

So if you want to change your basic application, which will be recognized in all countries, and you make a change, you now have to go to apply to each country in turn.

What has been the experience in Antigua and Barbuda with this, with changes to a basic application and at further cost? So the Minister talked about cost savings. Now, one of the disadvantages is increased cost.

“This could eliminate any cost savings gained through the international registration...”

Mr. Ramadhar: Sellier.

Mr. T. Deyalsingh: Not Sellier. This is Baldwins and Society. You see, you have a problem with Sellier, apparently.

Mr. Ramadhar: I have no problem with them.

Mr. T. Deyalsingh: So why are you calling them?

Mr. Ramadhar: You are the one referring to them.

Madam Deputy Speaker: Address the Chair.

Mr. T. Deyalsingh: I do not know why he is getting so hot under the collar, you know. I do not know what he has against Sellier, Fitzwilliam and them.

So any perceived gain could be wiped out. What is the experience elsewhere? What do our local practitioners have to say?

“• The ability to transfer or sell an international registration is restricted.”

One of the things about patents if you own it, you can sell it, but under the Madrid Protocol your ability to sell your own patent is restricted? Do we want that restriction?

4.15 p.m.

“...The new owner must be a national, resident or have an established business in a territory which is a member of the international registration system.

- An international registration can only designate territories party to the international registration system. It cannot include territories that are not yet party to the system.”

So, Madam Deputy Speaker, as objectively as I could, I have stated the advantages, I have stated the disadvantages. The question is: do we want the Madrid Protocol in Trinidad and Tobago now? If we do, are we ready? If we do, what are the opinions of the same persons the hon. Minister said he consulted with?

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Madam Deputy Speaker, let me tell you how serious this is. Let me tell you the amount of laws that are impacted by intellectual property changes, the amount of treaties that are affected, and this came from the WIPO, the World Intellectual Property Organization. Under laws, it affects 15 pieces of legislation, including the Constitution. That is why we need a three-fifths majority. It affects the Supreme Court of Judicature Act; the Copyright (Amdt.) Act, No. 5 of 2008; the Protection of New Plant Varieties Act; Industrial Designs Act, the Trade—and that is just some of 15.

It affects nine IP-related laws, example: the Criminal Procedure Act; the Customs Act; the Summary Courts Act; Indictable Offences (Preliminary Enquiry) Act; it affects the National Chutney Foundation of Trinidad and Tobago. You want us to agree to this without the benefit of expert opinion before a joint select committee. How many rules and regulations does it affect? Nine. Nine rules and regulations including the Protection of New Plant Varieties Regulations, 2000, the Trade Marks (Amendment) Rules, the Patents Rules. It affects two geographical indicators: the Geographical Indications Act. It affects our Caricom treaties. It affects our Caribbean Community (CARICOM) Dominican Republic Free Trade Act. It affects 44.

Madam Deputy Speaker: Hon. Member, do you wish for an extension of your speaking time?

Mr. T. Deyalsingh: Yes, Madam Deputy Speaker.

Madam Deputy Speaker: Hon. Members, the question is that the speaking time of the Member be extended by a further 15 minutes.

Question put and agreed to.

Mr. T. Deyalsingh: Thank you, Madam Deputy Speaker. Thank you, colleagues and thank you, Member of Parliament for St. Augustine, thank you.

It affects 44 treaty memberships. The Nairobi Treaty on the Protection of the Olympic Symbol; WIPO Copyright Treaty; Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. This is not a simple piece of legislation. It is complex, it is technical. It affects our regional economic integration treaties. It affects the Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the Caricom Single Market and Economy. It affects the Panama Convention establishing the Latin American Economic System (SELA).

How many IP-relevant bilateral treaties are affected? Six. The Agreement between the Government of the Republic of India and the Government of the Republic of Trinidad and Tobago for the Promotion and Protection of Investments. It affects the Agreement between the Government of the Republic of Trinidad and Tobago and the Government of the People's Republic of China on the Reciprocal Promotion and Protection of Investments. I would read out one last treaty. The Treaty between the Government of the United States of America and the Government of the Republic of Trinidad and Tobago concerning the Encouragement and Reciprocal Protection of Investment.

Madam Deputy Speaker, it touches and concerns almost all of our major trading partners. I am just asking the Minister to pause. You have enough time between now and the election to get this through a very short joint select committee so you can say "tick". We will give you "yuh tick" but let us pass good law, please, please.

Madam Deputy Speaker, one of the reasons why we must look at legislation, if we are going to repeal old legislation and bring new legislation, is how future-looking is this piece of legislation, and let me explain why. Because when you do research on the pitfalls, complexities, technicalities and legal challenges, to patent legislation globally—and I am not going to go through the case law here. It is very long, technical. What I want to ask the Minister in his wrapping up is this, we are in a post-industrial age where economies no longer revolve around goods. The industrial age was characterized by manufacturing tangible goods. Economies now are characterized, not by tangible goods, but by services, by new scientific discoveries. We have to have new laws which are friendly to these things.

Again, the same article by Dr. Kris Rampersad speaks about the controversy in the G-Pan, I believe, patenting the G-Pan, and I recommend that article. When one looks at the controversy over the G-Pan and whether it is a new pan or somebody in Delaware is applying for a patent because of process—some foam-making process. What we need is legislation that we could learn from outside where they have gone through the trauma. We do not have to repeat that here. What we have to do is to make sure that when the appeals go to the courts that we avoid limitations on these patents when argued before the courts, especially in the new era of scientific discoveries. Because it is this new era of scientific discoveries where progressive patent legislation is now looking at, and I will just draw an example.

A very controversial process in the United Kingdom where their Parliament has now approved the three-person parent. You can have a fertilized egg, take out

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the mitochondria of the mother that might carry genetic diseases, put it in another cell from another mother and you now have a baby theoretically being born with the characteristics of three parents. This is the type of patent we should be looking at and this is how patent laws evolve around the world. So if we are going to repeal an old Act, it is not just to bring in the Madrid Protocol alone because the Madrid Protocol by itself is not going to solve all our patent problems.

I would like to ask the Minister: has he and his department thoroughly investigated the pitfalls of the Madrid Protocol as I have outlined? The debate is short, only 45 minutes, and I probably have just about five minutes left. But in the context of not even referring to a clause in the Bill, how are we going to sit here as a Parliament and approve this piece of legislation?

Madam Deputy Speaker, as I come to a close, I want to reiterate, repeat, plead, let us grab this opportunity with both hands. Let us grab the opportunity—
[*Interruption*]

Mr. Ramadhar: “Like Rowley.”

Mr. T. Deyalsingh:—to bring a piece of Bill—no, you see, he is saying “like Rowley”. What does that have to do with the debate?

Hon. Member: “He grabbing, he grabbing things, man.” [*Laughter*]

Mr. T. Deyalsingh: “He grabbing things.” Madam Deputy Speaker, permit me 30 seconds, please, to address that bit of crosstalk about Rowley. Just 30 seconds. [*Crosstalk*] No, okay.

Madam Deputy Speaker: Address your point, you have a few minutes again.
[*Crosstalk*]

Mr. T. Deyalsingh: Madam Deputy Speaker, has anyone paused to consider the effect of this controversy on an innocent woman who just went out to play mas? [*Crosstalk*] You all are destroying a person. You all are destroying a person. You all are destroying a person. I leave that alone. That is somebody’s daughter. Right? Anyhow, forget that. [*Continuous crosstalk*] You all are destroying people.

The last thing we have to look at is this, if this piece of legislation goes through, we will lose an opportunity. We will lose a serious opportunity to protect our local entrepreneurs. We will lose an opportunity to have the wise counsel of practitioners and I urge the Government, as I close, because I am going to sound like a stuck record here, that this Bill be taken to a very short joint select committee of both Houses of Parliament, especially where the expertise resides in

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two attorneys who practise in this field in the Upper House so that when the Bill comes back, we have a Bill which is fit for purpose, and which we will be happy to pass. Madam Deputy Speaker, with those very few words, I thank you. [*Desk thumping*]

ARRANGEMENT OF BUSINESS

Madam Deputy Speaker: Hon. Members, I seek your leave to revert to an item of business: Motions relating to the business or sittings of the House and moved by a Minister to deal with the change in membership for the Joint Select Committee.

Agreed to.

JOINT SELECT COMMITTEE ON ENERGY AFFAIRS (REPLACEMENT OF DR. KEITH ROWLEY)

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, I beg to move that Mrs. Paula Gopee-Scoon be appointed to serve as a Member of the Joint Select Committee on Energy Affairs in place of Dr. Keith Rowley.

Question put and agreed to.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Madam Deputy Speaker, I beg to move that this House do now adjourn to Friday, February 27, 2015, and to serve notice that that is Private Members' Day and I will ask the hon. Member for Port of Spain South to indicate the nature of our business on that day. I beg to move.

Miss Mc Donald: Thank you, Madam Deputy Speaker. I hereby give notice that on Private Members' Day, Friday, February 27, 2015, we propose to debate Motion No. 4 under Private Business. That is the Motion on the loss of confidence in Mr. Wade Mark as Speaker of the House of Representatives.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.30 p.m.