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Debates of the House of Representatives

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**OFFICIAL REPORT
(HANSARD)**

THE HONOURABLE WADE MARK
SPEAKER

THE HONOURABLE NELA KHAN
DEPUTY SPEAKER

Wednesday 13th May, 2015

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CONTENTS

	Page
LEAVE OF ABSENCE	615
URGENT QUESTIONS	
National Land Use Policy (Details of)	615
Squatter Regularization (East-West Corridor)	617
HDC/NHA Houses (Purchase for \$100)	619
Identity of Landlord (Details of)	621
Letter to Moody's Investors Service (Details of)	622
Lost Revenue Due to Drop in Oil Prices (Amount of)	622
STATEMENTS BY MINISTERS	
Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015 [<i>Sen. The Hon. L. Howai</i>]	623
Chaguaramas Development [<i>Sen. The Hon. Dr. B. Tewarie</i>]	628
Sural (Barbados) Limited and GORTT (Arbitration) [<i>Sen. The Hon. L. Howai</i>]	667
ARRANGEMENT OF BUSINESS	
[<i>Mr. Speaker</i>]	633
... ..	667
... ..	681

*Leave of Absence**Wednesday, May 13, 2015***HOUSE OF REPRESENTATIVES***Wednesday, May 13, 2015*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon. Members, I have received communication from Mr. NiLeung Hypolite, Member of Parliament for Laventille West, who has asked to be excused from sittings of the House during the period May 13 to May 18, 2015. Also, Dr. Amery Browne, Member of Parliament for Diego Martin Central and the hon. Prakash Ramadhar, Member of Parliament for St. Augustine; they have both asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

URGENT QUESTIONS

**National Land Use Policy
(Details of)**

Mr. Jack Warner (*Chaguanas West*): Thank you, Mr. Speaker. Could the Minister state whether the Government has a current national land use policy and if so, the date of the document, the author or company who prepared the document and where can a copy of the document be obtained?

The Minister of Land and Marine Resources (Hon. Jairam Seemungal): Thank you, Mr. Speaker. With respect to land use, the question by the hon. Member for Chaguanas West may have been better directed to the Minister of Planning and Sustainable Development, under whose portfolio land use and the Town and Country Planning Division falls. But in the interest of assisting the Member, I have consulted with my colleague, the Minister of Planning and Sustainable Development who provided information that I can share with the hon. Member.

With respect to whether there is a land use policy, the answer is yes. It is called the National Spatial Development Strategy of Trinidad and Tobago and the documents are dated 2013. These documents were laid in the House of Representatives in 2013. They are available on the Ministry's website, and this document was prepared by the National Planning Task Force, in collaboration with Globe Consultants. The document, as I have said, which is available on the

Urgent Questions
[HON. J. SEEMUNGAL]

Wednesday, May 13, 2015

Ministry's website, was also laid in Parliament so that every Member of the Parliament could have a copy as well and it can also be found on the *Hansard* for explanation of the said documents. Thank you, Mr. Speaker.

Mr. Warner: Thank you, Mr. Speaker, supplemental. Has the document been updated since 2013?

Hon. J. Seemungal: Mr. Speaker, as I said, the document itself falls under the Ministry of Planning and Sustainable Development and I have seen that the Minister of Planning has brought to the Cabinet various pieces or various Cabinet Notes that would have updated data with respect to what has been given in the document itself, especially in the areas that are town stead and out-of-the-town stead where they have changed some of the planning procedures and strategies.

Again, Mr. Speaker, the woodwork in collaboration with various Ministries. For instance, the Ministry of Land and Marine Resources, where the Land and Survey Department is concerned, where we have done a spatial flow of the entire country. We have started an entire GIS mapping system. We have also started to assist the Ministry of Planning and Sustainable Development in updating our cadastral records. The last time it was done was in the 1800s. We have started updating all the cadastral records as well. All of this is really to produce a first-world planning strategy.

The Ministry of Planning and Sustainable Development already has the NSDI. It is a committee that oversees national spatial data. That committee has been put in place. It was legislated in this very House and all of this is really to bring planning much easier to the citizenry of Trinidad and Tobago.

Mr. Warner: Thank you, Mr. Speaker. Minister, you have been very kind. I thank you for your kindness. But really, tell me, has the document been revised or updated since 2013, and if yes, are those revisions in the public domain?

Hon. J. Seemungal: As I have said, Mr. Speaker, the document itself and the revision of it would fall directly in the Ministry of Planning and Sustainable Development portfolio. I can only say what I saw for the Cabinet, so maybe Member we can direct the question to the Minister of Planning and Sustainable Development and I am sure he will be able to assist with respect to the updating of the document itself.

Mr. Speaker: You only have two supplementals, and now over to the next question.

**Squatter Regularization
(East-West Corridor)**

Mr. Jack Warner (*Chaguana West*): To the Minister of Land and Marine Resources, with respect to the Prime Minister's announcement on Monday, May 11, 2015, that there are 30,000 squatters on the East-West Corridor and that she intends to regularize these persons, can the Minister state:

- (a) what criteria persons would need to fulfil in order to qualify for regularization, and
- (b) whether there are any circumstances that would cause an applicant to be excluded from or denied regularization, and if so what are these circumstances?

The Minister of Land and Marine Resources (Hon. Jairam Seemungal): Thank you, Mr. Speaker. Squatting is not new to Trinidad and most parts of the world. As a matter of fact, the Prime Minister alluded to 30,000 squatters on the East-West Corridor but if you take the whole of Trinidad and including Tobago, there are over 60,000 squatters, based on our calculation, which we are still to substantiate some of these. What we have started doing is surveying the various sites so that we can bring that accuracy, with respect to the amount of squatters.

Mr. Speaker, the State Land Regularization of Tenure Act was passed in this very House in 1998, and it gave a cut-off date of September 2000, for persons who are seeking regularization under that piece of legislation. That piece of legislation, Mr. Speaker, was passed by the then UNC Government, the Panday administration, in 2008, and in that legislation it provides all the various mechanisms and requirements for squatter regularization. So persons needed to apply by September of the year 2000.

Some of the requirements are that the land itself must be state land, the land itself must be a designated site under the Act and persons must have been in occupation since January 01, 1998 and they must have applied by October 27, 2000 and they must provide proof of occupation as at January 01, 1998 and they must not own any other property/land in the whole or part share in land for them to qualify and the persons must be 18 years and over.

Mr. Speaker, since the passage of the legislation in 1998 and the cut-off date in 2000, I think it was very shortly after that the Government had changed hands and the PNM administration came from 2001 to 2010, and the procedures and prescriptions under the Act were not fulfilled in order that we can regularize

Urgent Questions
[HON. J. SEEMUNGAL]

Wednesday, May 13, 2015

persons or squatters during that entire period. Some of the prescription is that the land must have been state land. In order to determine the land must be state land, the land must have been surveyed and searched by the Director of Surveys office and the Ministry of Legal Affairs. To date we have now, for the very first time, produced some 120 survey orders so that we can verify these lands are surveyed.

The second thing, Mr. Speaker, is that the land must be designated via the Act. Some of the lands where squatters are have also never been designated and we have looked at that and we are bringing Notes to Cabinet so that we can bring to the House those necessary amendments or variations to the Schedule of the Act itself to make sure those sites are designated.

More importantly is that some 23,000 persons would have applied in 2000, but during 2000, quite a number of persons did not apply for some reason or the other because they were not aware of the procedures under the Act. But in those days the communication availability is not as we have now, some 15 years later with Internet and Facebook and all these things where we can communicate more to people. But a lot of people did not apply.

The catchment that the Prime Minister is also alluding to is that persons who did not apply—some of them have been living more than 30 years—that is the catchment she also wants to be part of. That imagery, the photographic imagery that the Prime Minister spoke about, we have completed that in 2014.

Mr. Warner: Thank you, Mr. Speaker. Mr. Minister, the cut-off date for those Letters of Comfort, which are really useless pieces of paper, was 2000. Between 2000 to 2015, can you tell me how many squatters you have who need to be regularized?

Hon. J. Seemungal: By the cut-off date of 2000, we had some 23,000 applications but in a verification of the squatter sites and even the Schedule under the Act, the figures are more looking like about 60,000 persons who have been squatting on state lands and these are the persons who have started. Many of them have also made application for the purpose of regularization.

Mr. Warner: Supplemental. So would it be true to say that the cut-off date has now been extended?

Hon. J. Seemungal: In Cabinet, we are still to deliberate on the cut-off date itself. As I said we were making preparation to determine how we can regularize the persons after 2000. We have completed the imagery. The last image itself came on April 11, 2015 and we now have a compilation of imagery throughout

the entire country and with that, I have been having meetings with both the Land and Surveys Division, the LSA and other departments of the Ministry so that we can make that determination to bring that date forward to catch those people who did not fall into that category before. That will require amendment to the legislation which, of course, will come to the House.

1.45 p.m.

**HDC/NHA Houses
(Purchase for \$100)**

Mr. Jack Warner (*Chaguanas West*): With respect to the Prime Minister's announcement that persons occupying/renting HDC/NHA houses for more than 30 years would be allowed to purchase the house for \$100, could the Minister of Housing and Urban Development please state whether persons whose rent or mortgage is not up-to-date or are in arrears would be allowed to purchase the house for \$100?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): [*Desk thumping*] Thank you very much. Mr. Speaker, as the national community heard only 48 hours ago, the Government has embarked on a decisive policy of creating a home-owning democracy in Trinidad and Tobago, and moving citizens away from the bondage of rental, to the liberation of homeownership. [*Desk thumping*]

Mr. Speaker, for decades after our independence, many citizens in this country have remained imprisoned in rental arrangements with the State, which had serious repercussions on their own sense of empowerment, on their capacity to own property, to create wealth and their inability to transfer wealth to their children and other generations. This has also created a terrible dependency syndrome on the State, as the provider of shelter.

The Ministry of Housing and Urban Development had embarked on a plan over one year ago, of seeking to transfer citizens from rental accommodation to homeownership. The Prime Minister's dynamic policy initiative seeks to provide for where citizens have been in possession of rental accommodation for 30-years plus with the State, those persons will be allowed the opportunity on offer, to purchase those housing units if they choose to do so, for TT \$100.

Mr. Speaker, first correction with the question is that this will involve rental accommodation, as opposed to mortgage arrangements, since it is unlikely that you will have any significant number of persons in a mortgage arrangement for over 30

Urgent Questions
[HON. DR. R. MOONILAL]

Wednesday, May 13, 2015

years. Where that may occur, those persons are already on the way to homeownership, properly, through a commercial relationship with the Trinidad and Tobago Mortgage Finance Bank, or any other commercial entity. We are dealing with the rental accommodation.

Those persons who are in the catchment for this policy initiative number, I believe, more or less 1,400. We have done a search of the database, and the Member for Chaguanas West will be very happy to know that we have not yet found persons who are in arrears of their rental in this catchment. So that the matter of being in arrears will not trouble this policy initiative.

However, if there are persons in that catchment who may have problems, it is the intention of the HDC, consistent with this policy initiative, to ensure that we work and we meet and treat with those few persons who may be in arrears, to assist them to deal with their arrears, before making such an offer to purchase, because one can only imagine, if you cannot pay your rental arrangement, then it is unlikely you could find \$100 to buy the housing unit. So the persons who cannot pay their rent, which might be \$100 as well, may not be in a position to pay that or less.

So, Mr. Speaker, I am assuring the Member that we do not have any significant number of people who would be in arrears, and would be qualifying for this particular initiative.

Mr. Speaker: Before the hon. Member pursues any supplementals, may I bring to the attention of the House that the 15 minutes allocated to Urgent Questions has now arrived. So with your leave, and the leave of the House, there are three questions still to be answered and, of course, supplementals, I would imagine arising out of your answer.

Hon. Dr. R. Moonilal: Mr. Speaker, in the interest of fuller transparency and openness and accountability to the Parliament, [*Desk thumping*] I would move that we continue this process, so that the Member for Chaguanas West can exhaust the next three questions and his full supplemental questions available to him for question 4—well, there may be for 3 as well. So questions 3, 4, 5, 6, the Member may have supplementals. In the context of the abdication of the responsibility to be in Parliament by Members of the Opposition, where no other Member—[*Interruption*]

Mr. Speaker: Please! Yes.

Hon. Dr. R. Moonilal:—is here to represent their constituents, we will allow the Member for Chaguanas West the full opportunity to ask more questions.

Mr. Speaker: Hon. Member, do you have any supplemental for question 3?

Mr. Warner: No, Mr. Speaker.

Mr. Speaker: All right, we go on to the hon. Member for Chaguanas West.

Mr. Warner: Thank you, Mr. Speaker, and the Member for Oropouche East, Minister of Housing and Urban Development, your kindness is very touching. [Laughter]

Identity of Landlord (Details of)

Mr. Jack Warner (*Chaguanas West*): The Auditor General's Report for 2014 (page 44) has revealed that a "total rent of \$26.6 million for the period December 12, 2012 to September 30, 2014 was paid to one landlord for unoccupied premises". Can the Minister of Finance and the Economy advise who is the landlord referred to and equally, where are the said premises located?

The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh): Thank you, Mr. Speaker. In relation to question 4, the landlord is GV Holdings, and the premises are located at Lot No. 19, 29 and 29A, Estate Trace, Barataria. The lease was for a period of three years, of approximately 117,241 square feet of office space, with five floors. The main reason for the delay in occupation was that the building had to be customized and outfitted to meet the user's specification.

It must be noted that the building was leased to the Personnel Department or what is more popularly known as the Chief Personnel Officer, and not the Ministry of Finance and the Economy. The concerns of the Auditor General have been noted, and the Personnel Department, I am advised, is working aggressively to have this issue in terms of occupying the building regularized.

Mr. Warner: Thank you, Mr. Speaker. I want to be clear, Minister, and thanks for your answer, are you saying that it took two years for this building to be occupied and outfitted?

Hon. R. Indarsingh: At the moment as I indicated, it is a work in progress. It is being aggressively pursued based on the information that has come, as based on the question posed, and it is being taken into consideration user's specification and outfitting.

Mr. Warner: Thank you. Mr. Minister, has the building been occupied since? And if not, can you say how soon it will be occupied?

Hon. R. Indarsingh: Thank you, Mr. Speaker, as I indicated to the Member for Chaguanas West, and will reiterate, the issue of outfitting user's specification and so on, it is a work in progress. I do not have control over contractors and their obligations and so on, but at the end of the day, it is being aggressively pursued, and I cannot put a timeline, in relation to the question posed.

**Letter to Moody's Investors Service
(Details of)**

Mr. Jack Warner (*Chaguanas West*): Could the Minister of Finance and the Economy please state whether he has written any formal letter to Moody's Investors Service objecting to the downgraded ratings of the T&T government, FCB, NGC and Petrotrin, and if so, please state the date on which the letter was sent and to whom it was addressed?

The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh): Mr. Speaker, it is a straightforward response to that question. No formal letter has been sent.

Mr. Warner: Thank you, supplemental. Mr. Minister, in fact, does your Ministry or the Government propose to send any formal letter at any time?

Hon. R. Indarsingh: Based on the pronouncements of the Minister of Finance and the Economy, he did indicate that he had dealt with this matter verbally, and as at this point in time, no further statement on this matter.

**Lost Revenue Due to Drop in Oil Prices
(Amount of)**

Mr. Jack Warner (*Chaguanas West*): Could the Minister of Finance and the Economy please state the amount of revenue lost as a result of the drop in oil prices from September 2014 to present?

The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh): Thank you, Mr. Speaker. In relation to the question posed, based on the official petroleum estimates that were done based on a crude oil price of \$88 per barrel, and natural gas of 2.75 MMBtu, up to April 2015, from the point of view of supplemental petroleum taxes, there was supposed to be, based on those estimates, a collection of \$4,369,743,967; actually collected was \$4,359,630,000, which revealed a variance of \$366,144,337; from the point of view of petroleum profit taxes, the official estimates would have been \$5,217,517,704, actually collected, \$2,858,103,974; from the point of view of the unemployment levy, \$480,480,184; and the actual collection, \$285,922,241. So

the variance from the point of view of the petroleum profit taxes would have been \$2,359,413,730; and from the point of view of the unemployment levy, \$194,557,943. So overall, there has been a negative variance of \$2,920,116.10.

Mr. Warner: Supplemental. Thank you Mr. Minister. In the light of those figures you have given, a loss of a little over \$2 billion, can you tell me in what areas this would impact negatively on the country?

Hon. R. Indarsingh: Mr. Speaker, in the context of the business of the Government of Trinidad and Tobago, the Prime Minister—and by extension, the Government of Trinidad and Tobago—has indicated very positively that we will continue with our work as it relates to dealing with the issues, or dealing with the projects that we—where moneys were committed, and as a result of projects that have not been started and so on, there will be no commencement of projects. In the context of the social sector and so on, the Government has committed that there will be no cuts whether it is in housing, education, health [*Desk thumping*] and, of course, the very important issue of wages and ensuring that employment levels are maintained.

Mr. Warner: Just to help me, in a word, therefore, Minister, you are saying, that it will not impact negatively on those works which have already started? Am I correct?

Hon. R. Indarsingh: Yes, Mr. Speaker.

Mr. Warner: Thank you.

2.00 p.m.

STATEMENTS BY MINISTERS

Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015

The Minister of Finance and the Economy (Sen. The Hon. Larry Howai): Thank you, Mr. Speaker. Mr. Speaker, on Friday last, we laid regulations in this Parliament to facilitate electronic transactions at Government Offices. This follows the amendment to the Exchequer and Audit Act which was effected in the 2014 Finance Act. The purpose of these changes is to allow our citizens to effect payment at government offices using debit and credit cards. [*Desk thumping*] This means that citizens will no longer need to walk with exact cash when they come to a government office to transact business. [*Desk thumping*]

Eventually, we expect to allow Internet-based payments which will allow citizens to pay for services in the comfort of their homes or indeed wherever they are via a smartphone or other such device with Internet access. [*Desk thumping*]

Statements by Ministers
[SEN. THE HON. L. HOWAI]

Wednesday, May 13, 2015

With these regulations in place we will now move over the next 18 to 24 months, to rolling out the facility in various government offices across the country. This will be done in conjunction with InfoLink as well as with the banks.

This medium of doing business, as you are aware, Mr. Speaker, is used in today's world to reflect for the basic payment of goods and services by the household as well as the more complicated e-commerce transactions conducted by conglomerates and Governments of various countries.

Mr. Speaker, both the literature and experiences by many have established that the benefits to be derived from using electronic funds transfer far outweigh the negatives that may apply. The benefits include reduced transaction processing costs, improved efficiency and increased control. It also requires, in the case of Internet payments, less hours by consumers, by the citizens of Trinidad and Tobago in traffic trying to get from one point to the other. [*Desk thumping*] Mr. Speaker, considering the environment in which we live, it is unacceptable that the Government of Trinidad and Tobago has not to date, significantly transformed its internal processes to facilitate the use of electronic funds transfer in its business transactions. In fact, it could be argued that the Government is charged with the responsibility to put systems in place that would promote the ease of doing business in the country thereby facilitating a diversified economy. It is in this context that the Government has moved proactively and rapidly to begin the process of enhancing the payment systems both by Government and those that are received by Government.

Mr. Speaker, in today's world of real-time transactions, the Government still makes a substantial amount of its payments by cheques in accordance with the existing financial regulations. In respect of salaries, listings are sent to commercial banks accompanied by cheques for values which match the totals of the listings. In addition, payment for the procurement of goods and services by Ministries are made by cheque to suppliers. The majority of Government receipts are done by way of over-the-counter transactions. This is the way that business was conducted 50 years ago, and this is the way it is still conducted by the population.

It is our intention to change this and the players that will participate in the electronic funds transfer environment will be the Government, its clients, the financial institutions and the Central Bank. Electronic funds transfer transactions will be conducted by way of the automated clearing house, the real time gross settlement system, debit and credit cards and any other electronic means approved by the Treasury.

Mr. Speaker, the journey to this present point of us introducing these regulations began approximately seven years ago. It was decided since then that the Exchequer and Audit Act be amended and regulations be provided to facilitate the electronic funds transfer, including payments by means of credit and debit cards and the storage of data electronically.

To this end, provisions relating to electronic funds transfer were introduced in the Finance Act, 2014. The provisions which came into effect on June 03, 2014 amended the Exchequer and Audit Act. Section 23A of the Act provides for the payment into or issue out of the exchequer account or other public moneys, howsoever held by means of electronic funds transfer subject to the general or specific directions of the Treasury. Section 23B empowers the Minister to make regulations to give effect to the provisions of the legislation and provides for the interpretation of certain terms used in the relevant sections. So, Mr. Speaker, what we have before us, or which had been laid last week, is the gradual movement of our payment system into the 21st Century.

The objectives underlying the regulations which had been put to the House are to allow the Government to:

- (a) make and receive electronic payments in order to improve the efficiency of its payments and receipts systems;
- (b) provide the public with more efficient and convenient options for transacting with the Government with due regard to issues of consumer protection;
- (c) provide a safe and secure electronic funds transfer environment for the consumer to transact business with Government agencies; and
- (d) to minimize Government's risk with respect to litigation from loss suffered by the customer arising from situations including, but not limited to malfunctioning of equipment, unauthorized access and errors in processing.

In order to achieve the objectives, the regulations which were laid consist of five parts which govern the workings of the entire system. Mr. Speaker, I would not go into all the details of the various parts, these are already stated clearly in the regulations which are being laid before this honourable House.

Mr. Speaker, even though the aim is to modernize the manner in which the Government does its business, and allow citizens to transact business with the Government via the Internet, the regulations do not preclude a person, should he or

Statements by Ministers
[SEN. THE HON. L. HOWAI]

Wednesday, May 13, 2015

she so choose, from conducting his or her business over-the-counter. So customers and citizens will still be able to come in and make payments by cash, but what this new system allows us to do is to be able to accept payments by way of debit and credit cards and, very importantly, for the Government itself to make its own payments by way of electronic funds transfer.

In line with the objectives of the regulations, provision has been made for the maintaining of client records to be transmitted in a secure environment and stored in an easily retrievable form. The Treasury will provide instructions relating to, among other things, procedure on payment and receipt transactions to facilitate the proper working of the regulations. The customer or client will be fully informed of all the terms and conditions that will govern operations in this new electronic environment. The regulations also provide for accountability and responsibility to be assumed on the part of departments, public officials and their clients. So, Mr. Speaker, once again, we are seeking to bring the payment system into the 21st Century [*Desk thumping*] and to allow our citizens the facility of the convenience which such payment systems provide.

Mr. Speaker, we have also put in place to ensure that the integrity of the payments that are made, the regulations will provide for the issuing of receipts to clients upon payment to Government and the provision for the maintaining of books and records as well as for the reconciliation of transactions.

In an environment such as this, it is expected that there may be complaints of one form or the other from the client. In that regard, the various government departments shall ensure that the customer is provided with information on the means to activate complaint investigation and resolution processes. Under these circumstances a department or public officer will be required to undertake the necessary investigations to lead to a speedy resolution of the complaint.

Mr. Speaker, of significance is that the legislation also provides for electronic signatures as defined in Part IV of the Electronic Transactions Act, and may be used as part of the authentication and authorization processes. We recognize though that not all parts of this new Act have been proclaimed and, therefore, what the regulations also do in respect of the framework that would apply to electronic transaction procedure, is that we will allow for the Minister with responsibility for information and communication technology to provide the relevant guidance and instructions which will guide the use of electronic signatures and authentication procedures.

Mr. Speaker, these regulations are also expected to operate in conjunction with the Financial Institutions Act, which defines the concept of electronic money and explicitly gives the Central Bank the responsibility for oversight of payment systems. The Financial Institutions Act also gives the Minister of Finance and the Economy, after receiving the recommendations of the Central Bank, the authority to make regulations which govern the transfer of funds by electronic means, the prudential criteria and the oversight of payment systems.

Mr. Speaker, in concluding, the ultimate aim of what we are doing is to achieve best practice as far as e-payments are concerned. The amendment to the Exchequer and Audit Act which had been put into effect and these proposed regulations will provide a protocol for the electronic transfer of money by or to departments of government subject to the general or specific guidance of the Treasury.

So, Mr. Speaker, as the e-payment landscape continues to evolve throughout the world, the Government is finally moving to the stage where we are seeking to put an electronic payment system into effect. This electronic payment system will provide greater control over expenses and payments that are made by Government as well as the collection of money but, very importantly, what these changes do is that they provide a level of convenience and flexibility to citizens of this country as far as interaction with government offices is concerned.

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

Mr. Warner: Thank you, Mr. Speaker. Mr. Minister, as commendable as that initiative is, the electronic payment, does your Government plan to introduce systems to educate the people, especially because for the last 50 years, according to you, they had one system and now this new system, especially the old: do you have any plans to educate them on this new system?

Sen. The Hon. L. Howai: Mr. Speaker, there is a very detailed and comprehensive programme for the roll out of this new system. It does not mean from what we have said that immediately on Monday all government offices will now be accepting and making payments. The laying of these regulations and their coming into force will allow us the facility to start rolling out the system throughout all offices in Trinidad and Tobago. We expect this process to take between 18 to 24 months to be completed.

Complimentary to that roll out will be the implementation of detailed training programmes to support the reconciliation and balancing, as well as the integrity of the payment systems that support this new system as well as the communication

Statements by Ministers
[SEN. THE HON. L. HOWAI]

Wednesday, May 13, 2015

programme that will be associated to ensure that all citizens will understand how they will be required to interact with this new system, and what the facilities are that they can and should expect when they go into each government office.

Chaguaramas Development

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Mr. Speaker. I would make this afternoon, Mr. Speaker, a statement on public statements—and some of it misinformation—that have been made on the Chaguaramas development. The development of the Chaguaramas region is guided by a systematic plan which promotes sustainable development for all. Chaguaramas is envisioned to become a new integrated community with unique elements of nature and historical significance.

Contrary to the misinformation and unfounded allegations propagated through the media, in the public sphere, the ongoing projects within the Chaguaramas area are intended to promote the economic growth and diversification of the economy, while managing the natural environment. [*Desk thumping*]

Today, I wish to state the facts as they relate to:

- traffic;
- “land grabbing” accusations;
- issues surrounding Guave Road;
- the Aviation Museum;
- the consultation process to develop the master plan;
- environmental impact of development; and
- job opportunities.

2.15 p.m.

Traffic: Traffic congestion does not emanate solely from the Chaguaramas Boardwalk and the developmental activities, but as a result of years of unregulated development along the Western Main Road. In addition, regular upgrades of utilities along the roadway also cause congestion. To proactively treat

with the issue, the following actions will be taken to regulate and manage traffic on Sundays and public holidays:

- a) The Trinidad and Tobago Police Service will provide police motorbike patrols on the Western Main Road, to lead traffic flow between Goodwood Park and Carenage as a deterrent against traffic offences. The hon. Minister of National Security has agreed to facilitate this through the police service.
- b) The hon. Minister of Works and Infrastructure will deploy Traffic Wardens on the Western Main Road and the Carenage Police Station to manage the flow of traffic in and out of Chaguaramas.
- c) Appropriate traffic/no parking signs along the entire length of the Western Main Road and, particularly, in the Carenage area will be installed.
- d) Water taxi service between Port of Spain and Chaguaramas is being arranged by the hon. Minister of Transport, as is CNG fuelled bus transportation both on a park-and-ride basis.

As a longer term solution, the hon. Prime Minister has already announced the commitment to an access route to and from Chaguaramas.

The allegations of land-grabbing: Several persons have been loosely and irresponsibly using the term “land-grabbing” when referring to the development plans of the CDA. However, when one analyses the current situation, the true land-grabbing would have had to have been done prior to 2010, which for years left Chaguaramas unregulated and in the hands of a privileged few. There are even unresolved issues that date back to the 1990s and if not addressed will militate against the future development and progress of the area. The facts are that from 1974 to 2010 the CDA granted a number of leases. Prior to 2010, conditions of those leases were not in the favour of the CDA and, by extension, not in the favour of the people of Trinidad and Tobago. Leases included stipulations which favoured tenants, such as:

1. There was no consideration for market value;
2. There was no provision for rent review;
3. The tenants’ agreements required no rent to be paid before a final agreement was made;
4. Where there was no agreement on the amount to be paid by the tenant to the CDA, the tenant could appoint an arbitrator on his own to determine the amount;

5. The CDA is currently reviewing and regularizing leases. However, some tenants have been refusing to pay market value rent for the leased land. For example, 15 acres of waterfront property currently carries a monthly rental of \$15,000, and another four acres go for \$1,200 a month; and
6. There are many opportunities for entrepreneurship in Chaguaramas. However, in the past leases were granted at prices significantly below market rate and, as such, no real value of the asset was obtained for the people of Trinidad and Tobago. This will change when such leases expire. The CDA is required to monetize its assets in the interest of the people of Trinidad and Tobago. This has not been done in the past. All the leases negotiated, or currently being negotiated, are based on market rates. They are significantly superior in benefits to the landlord and the taxpayer, and they place the burden of responsibility to be a good corporate citizen on the lessee.

The Guave Road area: The Guave Road issue is a land dispute involving a group of individuals who claim to be farmers with tenure. The facts are that between December 10 to 27, 2012, the CDA conducted a consultation and survey of the Guave Road area to determine land usage, identify persons accessing the property and inform occupants of the plans to develop. A total of 21 farmers were identified. The investigation led to the following information:

- Cosmos Brewster was cultivating 10 per cent of 2 acres with melongene, tomatoes, peppers and cabbage;
- Philogene St Martin was occupying 40 per cent of 3 acres planting banana, plantain and dasheen;
- Lawrence Paul, 5 per cent of 4 acres was occupied, tomatoes and short crops;
- Bert Jules, 25 per cent of 4 acres, melongene, peppers, chive, bodi and cabbage;
- Wayne Lett, 30 per cent of 4 acres, dasheen, livestock, bananas;
- Joseph Dragon, 10 per cent of 2 acres, unkept plantain and banana;
- Jesus Christ, 5 per cent of 1 acre, ochroes, pimento and peas; and
- Sarah P Whitman, 10 per cent of 2 acres, peppers, cassava, plantain and barbadine.

Between December 10—20, 2012, CDA engaged all citizens claiming to be farmers individually. None of the farmers had a lease. Notices were served and occupiers of the Gauve Road lands were given a 90-day grace period to complete harvesting of any existing crops and vacate the land. Three of the professed farmers were identified as ‘at risk persons’ living on the site with no lawful place of abode. These were Lawrence Paul, a person who identified himself as Jesus Christ, and John Aquias. Mr. Paul eventually, through the intercession of the CDA, found abode with family and the CDA arranged for ‘Jesus Christ’ to stay at the Living Water Community in January, 2014, where he could be rehabilitated. The CDA assisted Mr. John Aquias in filling out his national pension application forms and requested the Ministry of the People and Social Development to fast track his pension application. Mr. Aquias received his first pension cheque in early February, 2014, and CDA was able to assist in finding low-cost accommodation.

In May 2014, the group initiated litigation action against the CDA to stop road development works at Guave Road. On July 01, 2014, the High Court ruled in favour of the Authority and advised the CDA to proceed with its planned development. The CDA has offered alternative farming options through the Ministry of Food Production agricultural land programme. This is currently being addressed by the Ministry of Food Production. We have no problem with the farmers who genuinely wish to plant crops, but not in the Guave Road site. We would be willing to work with each one of them to provide an alternative site for agricultural production. [*Interruption*]

Mr. Speaker: Hon. Minister, your 10 minutes has expired, but I will give you two more minutes to wrap up.

Sen. The Hon. Dr. B. Tewarie: Sir, I submitted the statement before.

Mr. Speaker: The Ministerial Minutes says Statements by Ministers are allocated 10 minutes, but I will give you two more minutes to wrap up.

Sen. The Hon. Dr. B. Tewarie: When completed, the new roadway in Guave will divert traffic away from the heavy pedestrian traffic that is currently being experienced at Williams Bay at both entrances to the boardwalk. One of the reasons for the diversion in Guave Road is to create a pedestrian area around the boardwalk.

I have information here which I can share having to do with the Chaguaramas Military History and Aerospace Museum. Agreement was reached that they would look at an alternative piece of land. They went to look at the land but they did not commit to moving. We have no interest in not having the museum in Chaguaramas. We just wish to have them in another location so that the museum

Statements by Ministers

Wednesday, May 13, 2015

[SEN. THE HON. DR. B. TEWARIE]

could be linked to the work that is being done at the University of Trinidad and Tobago. The Chaguaramas Water and Amusement Park, which is one of the investments, a lot of misinformation has been given about that. There is no truth to the fact that the public areas of the beach are going to be infringed. I have personally instructed Town and Country Planning to work with the developers to ensure that the public space remains available for public use. [*Desk thumping*]

The other thing that I want to say, because the misinformation was given outside the question was asked, why are we having a water park when you have an ocean there? I want to say that the permission for the water park was given in the year 2006. Mr. Speaker, there are other things that I could say but my time is up, you said so. I will abide by your ruling, Sir. [*Desk thumping*]

Mr. Speaker: The hon. Member for Chaguanas West.

Mr. Warner: Mr. Minister, in the light of what you have said, you will agree that Chaguaramas belongs to the people of Trinidad and Tobago, do you think adequate consultation was done that could give a broad perspective of the country as far as that area is concerned?

Mr. Speaker: The hon. Minister of Planning and Sustainable Development.

Sen. The Hon. Dr. B. Tewarie: We had consultations on the National Planning Spatial Strategy, which the hon. Minister made available to you. At those consultations, of which there were 11, there was never an occasion on which more than 300 people attended. That is on the national. We had regional consultations on the various parts of Trinidad, regions of Trinidad and in Tobago. There was never a period in which there were more than—maybe 100/150 people. We had a consultation on Chaguaramas after the master plan was prepared, there were 350 people present. The master plan, now that it has been prepared after a series of consultations with stakeholders and experts, are now going to be handed over to Town and Country Planning which will now conduct consultations with the general public. So that that plan can in fact become the statutory plan for Chaguaramas Development Authority.

So, the consultations have been held about the national plan. It has been held about regional plans, it has been held about the master plan with the people with direct inputs, stakeholders, people in the governmental sector, experts in the field, and, now, the provision is being made for general discussion, but we cannot stop the development while we are talking about the plan. In any case, only 2 per cent of the land in Chaguaramas which consists of just over 15,000 acres, are being earmarked for development under this master plan. Nine per cent is already

occupied and only two more per cent are being developed under this master plan. So that the total development will be 11 per cent and 89 per cent of Chaguaramas will remain as a national park, which we will legislate into reality in Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker: Okay, hon. Members, the entire statement of the hon. Minister of Planning and Sustainable Development will be electronically transmitted to all Members of this honourable House.

ARRANGEMENT OF BUSINESS

Mr. Speaker: Hon. Members, there is another statement to be made by the hon. Minister of Finance and the Economy, however, that statement is not yet ready for presentation. The statement will therefore be presented sometime later in the proceedings. Is it the wish of the Members that this particular statement be reverted to under the item Statement by Ministers later on in the proceedings? Is it the wish of the House?

Assent indicated

2.30 p.m.

INDUSTRIAL RELATIONS (AMDT.) BILL, 2015

[SECOND DAY]

Order read for resuming adjourned debate on question [May 08, 2015]

Mr. Speaker: Hon. Members, there has been an agreement to debate, along with that Bill, a Bill entitled an Act to amend the Constitution of the Republic of Trinidad and Tobago.

On the last occasion the Member for Tabaquite was on his legs, and he has 21 minutes of original speaking time remaining. I recognize the hon. Member for Tabaquite, the Minister of Works and Infrastructure.

The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan): Thank you, Mr. Speaker. When I was on my feet on the last occasion, I was making the point, in response to the accusation that the People's Partnership Government and the UNC were, in fact, anti-labour, that this is the very first Government that has brought someone from the bowels as they say of the labour movement, someone with wide experience, a hero in his own right in labour, to be the Minister of Labour and Small and Micro Enterprise Development.

Mr. Speaker, throughout his career as Minister of Labour and Small and Micro Enterprise Development, even the business community would admit that he has demonstrated integrity in the manner in which he has conducted the affairs of the

Industrial Relations (Amdt.) Bill, 2015
[HON. DR. S. RAMBACHAN]

Wednesday, May 13, 2015

Ministry, and in the manner he has brought to resolution close to 100 agreements, a number of them which were not settled when we came into office in 2010. In fact, in terms of those agreements in which the labour movement was offered as little as zero per cent and sometimes a maximum of 1 per cent.

Not only is the hon. Errol Mc Leod the Minister of Labour and Small and Micro Enterprise Development, but in the People's Partnership Government you have other distinguished labour leaders. Perhaps this Government has had the greatest number of labour leaders that any Government has had. This includes my good friend from Couva South, MP Rudranath Indarsingh from the All Trinidad Sugar and General Workers' Trade Union, and of course Sen. James Lambert who represents the National Union of Government and Federated Workers, one of the largest trade unions dealing with the service sector and dealing with employees, especially at the level of the regional corporations and what have you. There is no doubt therefore that the accusation of this Government being anti-labour is really a false one.

Not only is this Government in favour of labour, but this Government is also very business friendly. When you examine the manner in which the Government has managed the economy, created the environment for the success of business and for entrepreneurial development and success, it is very clear that from where we were in 2010, today we are in a far better position despite the challenges that we now face with respect to the oil and gas prices. But it is good to remind all of us that despite the challenges we have faced, there has been no increase in taxes, whether it is corporate or personal taxes, and there has been no increase in VAT in the country. [*Desk thumping*]

Mr. Speaker, side by side with that, there are a number of things that have been done in order to bring benefit to the workers of this country. The hon. Minister of Labour and Small and Micro Enterprise Development has brought many pieces of legislation which in fact have advanced the cause of the labour movement and, in particular, the benefits that people are entitled to. If I may make mention, and it is worth reiterating, the minimum wage was moved from \$9 to \$12.50 and then from \$12.50 to \$15. So that today for an eight-hour day of work, no person is receiving less than \$120.

Apart from that, maternity grants were also improved under the administration of the People's Partnership, and under the driving influence of the Minister of Labour and Small and Micro Enterprise Development, a Bill to amend the Maternity Protection Act and to repeal the Masters and Servants Ordinance was

assented to on May 22, 2012. This was a red-letter day, in fact, in this Parliament when that particular Bill was passed. Of course, just to let you know, the maternity leave went from 13 weeks to 14 weeks.

In addition to that, the Minister of Labour and Small and Micro Enterprise Development established the Industrial Relations Advisory Committee, and the membership listing in 2002, 1,416, is a very interesting list because, while it is argued that there is imbalance in the manner in which the Government runs its affairs, you will see that this is one of the most progressive Governments in terms of inclusion. In that regard, this Government has no fear of including even people who may have a different political view or even a political philosophy than we have. [*Desk thumping*]

The membership listing that I have here for the Industrial Relations Advisory Committee: Mrs. Hyacinth Guy, Vice-President of Human Resources; Orville Carrington of the trade union movement; Sen. James Lambert; employers represented by Mr. Jonathan Walker; Mr. Keston Nancoo; Mr. Harry Sooknanan, the Director of Labour Administration, and Industrial Relations Professional, Mr. Chrisendath Mahabir; Mrs. Hazel Elcock-Ifill; Mr. Augustus Ramrekersingh—and one knows him representing the PNM at one point in time; the distinguished Mr. Robert Giuseppi, one who has really been a pillar of strength and a pillar of ideas and very progressive trade union leader; Mr. Mukesh Basdeo and Mr. Lesmore Frederick from civil society and academia. I wanted to put this on record because it shows the manner in which this Government operates, and the fact that it is inclusive in terms of including people, as I said, who may have a different political viewpoint.

But, Mr. Speaker, this Government has been at all points in time always trying to improve the lot of the workers in the country. A good example of this is the settlement that took place bilaterally at the PTSC, where 200 PTSC drivers moved from part-time work to full-time work. One of the things we are interested in as a Government is really creating sustainable employment for people because we know the importance of sustainable employment in terms of persons being able to borrow money from the banks, to have a mortgage, to purchase a house and to develop their families in this country.

So this Government has been a labour friendly Government; there is no doubt about that. There are people who are going to make you want to think otherwise, but the evidence is there to show that the Government has been labour friendly and has been bending backwards in order to do that.

Mr. Speaker, one of the goals of the People's Partnership Government is to therefore ensure that there is fair treatment for all groups and all individuals. Particularly in the case of the workers of this country, this Government is concerned that not only are their rights as workers protected, but they also receive just remuneration for the work that they contribute and the efforts that they make, as well as that they are protected with a quality environment, and let me add a safe environment to work.

More than this, the People's Partnership Government always would like to ensure that workers feel assured that they are not experiencing unfair practices, and that at all points in time there are mechanisms available to them to deal with unfair practices and to resolve conflicts that take place.

Mr. Speaker, this though is not just a matter of law. You can have a lot of laws in the country to resolve conflicts and to settle disputes and what have you, but it is also necessary—beyond laws and the effective administration of laws is the need for good human resource management in the country. It is sad to say that many organizations are still falling short in terms of the quality of their human resource management.

As much as workers must be protected and properly represented, employers have a responsibility, and employees must feel assured that they are going to work in an environment where the human resource management and the treatment meted out to them is really one that is of a modern-day quality and a modern-day work environment.

On the other hand, employers must also feel that their interests are also secured and that their interests are considered by legislation. This balance of interests is what laws, like that which we are considering in the amendments to the Industrial Relations Act, are seeking to achieve.

In that regard, I think one aspect of this piece of legislation that grabs my attention is section 70F of the legislation, the Conciliation and Mediation Service, what for short is called "CAMS". In this balance of interests, it is important to note how well constructed the Conciliation and Mediation Service Council was set up. I want to just go through very briefly, but for the purpose of the record, because I think it is important to show the extent to which those who are framing this legislation and the Government, in particular, have gone in order to ensure there is balance and good representation.

The Conciliation and Mediation Service:

“...shall be managed by a Council which shall consist of fourteen members appointed by the President as follows:

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) a member appointed on the advice of the Minister with responsibility for finance;
- (d) a member appointed on the advice of the Minister with responsibility for trade;
- (e) a member appointed on the advice of the Minister with responsibility for energy...”—so you see the sectors are also being represented—
- (f) a member appointed on the advice of the Attorney General;
- (g) a member appointed on the advice of the Chief Secretary of the Tobago House of Assembly...”—this is what I mean by inclusiveness.

While there are lots of complaints in Tobago and by the THA that they are left out of things, the legislation provides for the Chief Secretary to nominate someone who will be appointed on this council.

- (h) three members appointed from among persons with qualifications and experience in industrial relations, human resource management, employment law, accountancy, economics and such other social sciences as the Minister considers appropriate,...

So there is a wide representation of all the professional and technical interests that will be useful when this Conciliation and Mediation Service Council meets, so that a proper resolution of that which is before it can be attained, taking into consideration all of the dynamics that are involved in that situation.

Then, Mr. Speaker:

- “(i) two members appointed after consultation with organizations most representative of employers; and
- (j) two members appointed after consultation with organizations most representative of workers.”

So there are four members of this council, two of which are appointed after consultation with organizations representative of workers and two of organizations

Industrial Relations (Amdt.) Bill, 2015
[HON. DR. S. RAMBACHAN]

Wednesday, May 13, 2015

representative of employers. This is the balance we are talking about; this is the inclusiveness of this Government, which is very different to other governments. The Government wants to ensure that in the development of this country, you have the widest stakeholder participation and you have the widest involvement of the people who are directly affected by the legislation in the country.

We have said that this Government is a partnership. It is a partnership, not just for political purposes, it is a partnership of interests in the country for the purpose of developing this country for the benefit of everyone concerned.

2.45 p.m.

Mr. Speaker, in that regard it is very instructive a speech delivered by the hon. Prime Minister of Trinidad and Tobago, Mrs. Kamla Persad-Bissessar, on June 19, 2013. In it you have what can be described as the philosophy of the Government with respect to labour and labour relations. I quote the hon. Prime Minister:

“It is for you, that the labour force of our country, together with our employers, and enabled by the Government, that forms that dynamic of tripartite constituency....

My Government is committed to creating a resilient economy with long-term opportunities for all our citizens—opportunities which will lead to a higher standard of living and a better quality of life for all.

My Government subscribes to the concept of decent work and we will continue to do all in our power to maintain the dignity of our Nation’s workforce. We will strive to ensure that our policies and programmes are consistent with the tenets of decent work and pay—thus enabling our workforce to adequately provide for themselves and their families.

We will continue to create avenues for skills training and capacity building, as we journey along the path of knowledge, information and innovation. No-one shall be left behind.

Today I assure you, that your Government stands together with our workforce—our public sector workers, our private sectors, persons working in civil society and the many unsung heroes who work within the home, providing support for their families.

Let us remember that it is only through collective effort, determination and a solid work ethic that we will achieve the results and rewards we seek as individuals and as a nation.”

Mr. Speaker, I wanted to read this into the record because this is as clear a statement that you will get of the philosophy of this Government, the thinking of this Government, the respect that this Government holds for labour in the country, and the concept of partnership which the Government advocates in terms of settling issues and dealing with the entire development, future development of the country.

Mr. Speaker, the Prime Minister in this statement said that we create avenues for skill training and capacity building. There has been no government that has gone the distance in creating avenues for skill training and capacity building as this Government has done. [*Desk thumping*] No government. Whether it is in terms of the workforce assessment where persons—[*Crosstalk*] yeah—can now walk into a workforce assessment centre and they would have a skill and they can get that skill assessed and walk out with a certificate that they can go and present to an employer whether in Trinidad and Tobago or overseas which can make them gain sustainable employment. That was not there before we came into Government. That is an advance.

Mr. Speaker, just the matter of fact that we have been decentralizing the geographic placement of educational institutions including COSTAATT way down in Sangre Grande where 1,500 students are now employed or the university in Debe or the number of national energy centres you have all over the country where students are going to school, [*Crosstalk*] the El Dorado Academy of Nursing and Allied Health, where there are over 1,200 students, and the first set of graduates are just about to take place—in Tobago. The Prime Minister has not just made a statement here, but this statement has been followed up by action, by action. [*Desk thumping*] We have been walking the talk with respect to labour and the empowerment of our workers in this country because we recognize that this country cannot be developed unless the workers of this country are also developed and that we build capacity in the country.

But, Mr. Speaker, I was saying before I went onto the matter of the counsel for the mediation and conciliation, I was speaking about the matter of human resource management in the workplace. I really and truly believe that while laws are important and laws are there to bring out resolutions where people really cannot determine things among themselves, I also believe in mediation. I do think, Mr. Speaker, that if we improve our human resource management and the quality of our human resource management, we will go a long way to easing frustrations and we will impact positively upon productivity in the country.

You see, Mr. Speaker, a person does not go to work for job satisfaction. That is a misnomer. No one really goes to work to seek job satisfaction. A person goes to

Industrial Relations (Amdt.) Bill, 2015
[HON. DR. S. RAMBACHAN]

Wednesday, May 13, 2015

work really to seek life satisfaction, and job satisfaction is just one aspect of life satisfaction. If you cannot achieve life satisfaction, you will find that job satisfaction is not there. That depends on how we are able to help people to define the purpose of their work. In this country a lot of the human resource conflicts are arising because somehow the leadership in the organizations are not dealing with the purposefulness of work. What is there behind work? You know, there is something that has to be spoken about because when people—if people understand the purpose behind their jobs, they are going to be more committed, they are going to be more inspired and they are going to be more highly motivated. This is not to say that people are going to be interested in wages and the quality of the environment and so on and so forth.

But, Mr. Speaker, I want to give you an example of something that happened, a really interesting story that happened. I was doing some work at the Siparia Regional Corporation in 1997. At this corporation I went in there one morning, having just flown back from Guyana over the weekend and had to get in there on Monday morning to begin this—sorry—Wednesday evening—Thursday morning to begin this training. I had prepared 58 manuals to teach supervision. I walked with my 58 manuals—*[Interruption]*

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired. Would you like an extension, hon. Member?

Hon. Dr. S. Rambachan: Yes, Mr. Speaker.

Mr. Speaker: Hon. Members, the question is that the speaking time of hon. Member for Tabaquite be extended by 15 minutes.

Question put and agreed to.

Mr. Speaker: You may continue, hon. Member.

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker. You know, when I went in to teach this programme, the CEO of the corporation said to me, “You have a problem this morning because I do not think that half of the persons can read or write.” I said, “Well, okay.” So, I had to find a different way to teach my programme. So, I never really used the manuals, I just left them there and offered them to who wanted to take the manuals and so on. I used some inventive way to, in fact, teach about teamwork and what have you.

But it was very interesting, there was one gentleman who came in about 10 o’clock in the morning. He came in there obviously had gone to work, and he was very sweaty and he was wearing his tall boots and so on, there were mud splashes

on his shirt and so on. So I asked him, “You know, you are late for the programme. How come you arrived late?” He said to me, “Well, I had to go to work.” I said, “But you were told not to go to work, come straight to the programme.” He said, “No, my supervisor insisted that I go to work and then come here.” So I said, “Okay, tomorrow when you come, do not worry to go to work; please, come straight.”

Next day interestingly enough, he did the same thing. He went to work and came back and pointed to the supervisor and said, you know—because he was fearful of something. So on the second day I asked him, I said, you know, “What is your job?” He said, “Well, I clean drains; I am a drain cleaner.” So, I kept asking the question because I wanted to see if I could have gotten a particular kind of answer. I do not have the time to tell you all the details. But, nevertheless, on questioning him he finally said, “Well, I clean the drains because I have to maintain a clean environment”—and I left it there.

So, we had a break and then we were coming back the next Thursday. So when he came back the next Thursday, you know, he was there in the room but I missed him. I missed him altogether because all I was remembering was this guy with the tall boots and so on, but except that day, the man was so perfectly groomed, white shirt, haircut, black pants and so on, he was sitting there. Then about 10 o’clock he said to me, “Prof., like you miss meh?” I said, “Mr. Khan”—this is not his name, by the way— “Mr. Khan”? He said, “Yes.” I said, “Well, thank you for coming. You did not go to work today?” He said, “No, no, no, no; I came.” But he said, “I want to ask you two questions. Do I have permission to ask you two questions?” I said, “Sure.”

You know, his whole sense of self-esteem was such that, you know, he wondered if he could ask even two questions. He said, “I want to tell you a story first.” He said, “You know, I live in Cedros and during the weekend, normally on a Friday, when I go I stop in Rousillac and I will have a couple drinks and so on, then go home. I did not have any drinks last weekend because I began to think after that day that you were trying to send a message to me.” He said, “I went home and I had a family reunion over the weekend and I told my daughter and grandchildren that nobody will call their father and grandfather a drain cleaner again.” I said, “Well, that is good. Well, tell me why?” He said to me, “You know, I want to ask you the two questions.”

He said, “Last week you were complaining that there was Saharan dust on your car. Does you really believe that dust travels from Sahara to Trinidad?” I said, “Yes.” He said, “Well, you know, people come from Venezuela to Cedros to

Industrial Relations (Amdt.) Bill, 2015
[HON. DR. S. RAMBACHAN]

Wednesday, May 13, 2015

shop. Do you think they can bring diseases from Venezuela to Trinidad?" I said, "I think, yes." He said, Well, you know what? I want to tell you I am not a drain cleaner." I said, "Well, what are you? Tell me what you are?" He said, "I want to tell you that I protect the universe." I said, "What do you mean?" He said, "Well, you see, if I don't clean these drains properly maybe a disease can start here in St. Patrick that can affect the entire universe. So I protect the universe."

That gentleman had achieved something that few of us achieve in the place of work even as professionals. He had made a link between his little place in the world and the cosmic contribution that he was making to the world. In other words, he had defined his purpose. He was never the same again as a worker. He was never the same again as a worker because he had made that link. Think about it.

If we can in the work environment improve our human resource management practices by focussing on what is our purpose behind the work we do, what a healthier industrial relations environment we will, in fact, have, Mr. Speaker.

So, Mr. Speaker, it is very important that we focus upon the things like wages and pay, company policies, physical working conditions, our interpersonal relationships and job security. But let me tell you something, things like the quality of supervision, the pay you receive, the company policies and how they are administered, physical working conditions, the relationships with others, the job security, they are what we call in the language of human resource theory, they are called dissatisfiers, hygiene factors. If you do not maintain them, if you do not take care of them, there is going to be a breakdown in the work environment.

There are so many breakdowns in the work environment because there are lots of organizations that are still not dealing with the hygiene factors of work. These are the factors when they are not dealt with, that are dissatisfiers. Because they are dissatisfiers our productivity is also being affected.

You see, it is one thing to blame workers in the country for attitudes to work, and yes, there are some laggards. But an attitude is a function of something else. An attitude is function. Something is driving the development of an attitude. It is—behaviours do not come first. A belief comes first. Beliefs drive behaviours.

Similarly, there is something that is driving and determining attitudes. Companies and organizations have to look within the organizations and in their leadership styles and managerial styles and ask, you know, what are these things that are driving these behaviours?

We have, therefore, to focus on another set of factors which are satisfiers—which are satisfiers, which will motivate, which will empower. The things like

opportunities for promotion, the opportunities for growth, recognition, the opportunities for higher responsibility, the opportunities for achievement, Mr. Speaker. We have to deal with the hygiene factors. Yes, there must be adequate pay and so on. Yes, there must be good environment and OSHA and what have you but we also have to focus on these opportunities for growth and development through higher responsibility and what have you in order to improve the lot of our workers and so on.

Mr. Speaker, the collective bargaining process in this country is well established. If I may say so, I think it works very well, very, very well in the country. But, Mr. Speaker, I think there are other things that we have to do. For example, I do not think that it is enough to call for productivity by simply asking, as I said, for shift in attitudes. Mr. Speaker, I think that we have to create a greater sense of ownership in the country. This sense of ownership has to be created by the creation of stock option plans, giving people the opportunity to own part of a business. One of the oldest stock option plans that we have ever had in this country was at the Royal Bank, you know—a stock option plan that was set up by the late Hubert Alleyne at a time when the bank was about to be sold and what have you.

But, Mr. Speaker, having said that, it is also important for workers to understand what it costs an employer to provide a job. I was once working in an organization—a transport company—and they had these very large trucks. One of the first things that I did was ask the truck drivers, what do they think was the value of this truck? Because they were complaining that when they came on an evening to park up the truck, they had to make sure the truck was clean, the oil levels were right and it was gassed up to go the next day.

3.00 p.m.

And I said, do you know what is the value of this truck you are driving? And the drivers were generally surprised to know the value of the truck, because no one told them before, and those trucks range from between \$1 million to \$1.5 million. Then I said, so somebody has invested \$1.5 million so that you can have a job, and when they saw the relationship between the investment and what they were responsible for I was able to get change in terms of how they viewed their place in the organization and how they treated the equipment that they were working with and so on. So, employees also have to think very carefully about what it costs in order to make a job.

Mr. Speaker, the last part of this Bill that I am interested in is the section that deals with short-term projects. And I am very happy that this is included in this

Industrial Relations (Amdt.) Bill, 2015
[HON. DR. S. RAMBACHAN]

Wednesday, May 13, 2015

particular Bill, and there is a reason for it. It is that a lot of persons suffer because you have a lot of short-term employment taking place, projects go on and the workers work and then they get nothing, and that is the end of it. You know this country will always have those kinds of projects.

The Act defines a short-term project as:

“...a project in the heavy construction industry, which is scheduled to be completed within five years of its commencement.”

For example, one such project is the highway to Point Fortin and so on, and it also gives a list of the heavy construction industry and the different groupings that are included in this. And I consider this to be a very important aspect of this Act, because, as I said, you are always going to have the short-term projects, and at the end of the short-term projects what does a worker go away with? Let us face it. There are lots of professionals and consultants, when you sign a short-term contract, they have a 20 per cent gratuity built into it at the end, but how many of our workers who work on these projects have some kind of interest to get at the end of the project? Because, you know, sometimes there is a gestation time between when that project finishes and when they get a new project. So, I think it is very important that this is here in this Bill.

Mr. Speaker, you know, in this country we must value our human resources, and those who employ them must treat them fairly and must adequately compensate them for their contribution. Mr. Speaker, you know, banks, for example, make a billion dollars in profits. That is normal in this time and so on. They make a billion dollars in profit very easily. But, even banks and other organizations when they make these kinds of profits must always remember something, that while there is knowledge and marketing skills, and what have you, and product development that would have made a marketable product, it is the people in that organization contributing their energy collectively, who have also contributed to the profitability of the organization, and that is why we must have the sharing of the wealth, and that will also contribute to a more stable industrial relations environment.

Mr. Speaker, there is discussion that this Bill will mean additional cost of doing business and so on. This is not a Bill against the business community. This is not a Bill against the trade union. This is not a Bill against the workers of the country. This is a Bill that improves the quality of life of everyone. This is a Bill that protects people in the country. This is a Bill that is meant to enhance the environment where workers are interacting with their employers. At the end of the day, we are all responsible for creating the wealth of the country and must find

ways to ensure that the wealth of this country is safely put in the hands of everyone. This is why the Prime Minister's announcement of the squatter regularization and the houses for the people who are there 30 years and more, is a very, very noble one. And that is why I take issue with the *Daily Express*, Wednesday, May 13, 2015; a Ria Taitt article:

“Al-Rawi: Election gimmickry, exploiting the most vulnerable” [*Interruption*]
You see, Mr. Speaker—

Mrs. Persad-Bissessar SC: “They doh want to help poor people.”

Hon. Dr. S. Rambachan: Exactly. Mr. Speaker, that is it, anytime you rise to help poor people and empower poor people in this country, the PNM does not like that, because from since 1956 they have kept the people where they are. Since 1956, Mr. Speaker. [*Desk thumping*]

But, Mr. Speaker, thank God there are some people in the Opposition like the Member for Laventille West, who has doubts now about the House boycott, and he is beginning to see the light. Today's article in the *Trinidad Guardian* “Hypolite has doubts about House boycott”, he asked what about the constituents, because he lives in an area where he has seen the discrimination against the people he represents. He lives in an area where he knows of the benefits that would come to those who occupy HDC houses in those areas for over 30 years. Mr. Speaker, there is vision in this Government, there is action in this Government, there is energy in this Government, and we will carry this into the second term as we begin to empower the most vulnerable and we protect the stakeholders who are creating the wealth in the country.

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

The Minister of Transport (Hon. Stephen Cadiz): Thank you, Mr. Speaker. I am very pleased, of course, to be contributing on this Bill, the Industrial Relations (Amdt.) Bill, 2015.

I must say I want to commend my parliamentary friend from Tabaquite on the excellent contribution that he has made [*Interruption*] and, you know, the last comments that he made, I have always wondered where it is that since 1956 you have had representation, the same representation by the same party since 1956, why is it that those constituencies, in the majority, are in the conditions that those constituencies are?

Here it is that we come in 2010 and we start to work in our constituencies. We work all over Trinidad and Tobago, make no mistake, but we see the kind of work,

Industrial Relations (Amdt.) Bill, 2015
[HON. S. CADIZ]

Wednesday, May 13, 2015

we see what was required in some of our constituencies, and really and truly put a lot of work into it to lobby, to get things done, to make it work, and here it is that since 1956 some of the constituencies that you see that the Opposition have led for so many years, and you really and truly wonder what is the reason for that? Why is it that they have kept people in that, living under those conditions where, to date—

Mrs. Persad-Bissessar SC: In bondage.

Hon. S. Cadiz: In bondage, according to Prime Minister. Really and truly in bondage. Why is it that those constituencies still do not have water? They are still in a decrepit state, the road systems are poor, their drainage is poor, and then they want to come here and argue the fact that because they are not People's Partnership constituencies, that is why they are in that condition. It is not that they now reach there. "They not now land." This is since 1956, and shame on them to have their constituents living in conditions like that.

Mr. Speaker, this Bill that we have before us here today, again is another notch in where the People's Partnership has really and truly shone, and we deal with all. We deal with all aspects of life and all aspects of society, all aspects of employment, everything. The People's Partnership, it looks at how do we improve it? How do we make it better? How do we improve the quality of life? Because at the end of the day, every single one of us in this House, we have to answer to the people. When we met you in May 2010, what have we left you with when this first term is completed, moving on to the second term, and every one of us has to be able to say, we are leaving our constituencies leading up into the next general election far better off than when we arrived. And that goes across the board. And it is not only about constituency issues, whether it is local issues of infrastructure and what have you, it is how we have dealt with Trinidad and Tobago in all aspects of life, and therefore, this particular Bill leads to that.

Mr. Speaker, this is an administration which has kept and continues to keep its promises to the people of Trinidad and Tobago. And in support of this statement, I refer to the 2010 manifesto, the People's Partnership, and let me emphasize firstly what the front page reflects: "Prosperity for all", and that is so true. When we speak of prosperity for all, it has happened over the last five years. Every single aspect of society, every single person in this country has benefited from that statement "Prosperity for all". "Prosperity for all" meaning our focus in this instance incorporates the trade unions, employers and workers of all classes, including domestic workers.

In continuing, I turn to page 50 of the manifesto where it is to be observed that a promise was made by this partnership, this administration, to amend the Industrial Relations Act, the manifesto continues to explain that:

“The existing legislation is severely limited and will be reviewed with the intention of striking an appropriate balance between all the parties involved, ensuring that the necessary action is taken within an appropriate timeframe.

Two matters need to be clearly addressed with urgency:

(i) The right of workers to join a trade union of their choice is to be enforced and protected”—and—

“(ii) Currently the status of certain classes of workers, (including domestic workers, gardeners, amongst others) is not fully protected. The rights of these workers require legislative attention and this will be done”

This is the People’s Partnership manifesto. This is Government policy. So, what we are coming here with this Bill is not new. This is nothing out of the blue. This thing has been here for the last five years. So, Mr. Speaker, when one looks at the “Bill Essentials” published by the Parliament of Trinidad and Tobago, and one reads the “Purpose of the Bill”, it states:

“The Bill seeks to amend the Industrial Relations Act, Chap. 88:01 to strengthen and improve the industrial relations system in Trinidad and Tobago by making the system more efficient, more effective and more expeditious from the recognition of the union to dispute settlement. There is also a need to create an independent dispute settlement process in the formation of the Conciliation and Mediation Service (‘CAMS’) and to foster the independence of the Industrial Court.”

So, here it is in 2010, Government policy is established and yet still we have some of the trade union movements saying this is the most anti-labour Government ever seen in the history of this country. But it is all here, as Government policy in our manifesto of 2010. So, it is not to say that we said we were going to do this, and again, manifesto promises. What is the calypso?—shake your manifesto—as though we walk around the place shaking the manifesto and say, we will do this, and when we get into office and we shake it so much it fall out our hands and fall in a garbage bin. That is not the case with the People’s Partnership. Here it is we made the commitment to the labour movement as to what we were going to do. So, again, this is not an out of the blue statement, it is all there for all to read.
[*Interruption*]

Industrial Relations (Amdt.) Bill, 2015
[HON. S. CADIZ]

Wednesday, May 13, 2015

So, Mr. Speaker, when one looks at the existing legislation, it is observed that this legislation was first enacted in the year 1972, and there have been since 14 amendments, the last being in 1994. This, of course, means that for approximately 19 years citizens of this country were being represented by virtue of a piece of legislation which is seen as weak, ineffective, inefficient and causing undue delays. Mr. Speaker, I read from the *Trinidad Guardian* dated May 13, 2015, and this is from Raphael John-Lall, published May 13, 2015. I am quoting the *Guardian*:

“T&T’s two umbrella trade union groups are mobilising their members for action against the Industrial Relations Amendment Bill 2015 which is current being debated in Parliament.

They have described the legislation, which was laid in the House of Representatives on May 1 and on which debate was launched last Friday, as an attack on workers’ rights and ‘a dagger aimed at the heart of the trade union.’”

It goes on to say:

“Fitun president Joseph Remy told the T&T *Guardian* the bill is ‘anti-worker’ and could eventually lead to the demise of trade unions.

Clause 24 of the Bill provides a worker and a designated bargaining unit aggrieved by the representation of a recognized majority union may petition the court for cancellation that union’s certificate of recognition.”

Mr. Speaker, whilst it is recognized that today concerns are being raised about proposed legislation which is being debated in this House, I also want to read from the *Trinidad Express* dated June 19, 2011, which reads:

“TRADE UNIONISTS yesterday laid down”—this is 2011—“eight demands for this Government, as they committed to protest action over the next two months and a promise to shut down the country.”

The demand listed at number three reads:

“Government immediately place labour legislation high on the legislative agenda.”

So, here it is in 2011, they are making all these demands, they promised to shut down the country if the Government did not immediately place labour legislation high on its legislative agenda, and here it is, we are in the Parliament today doing exactly that, and then we hear now that is the wrong thing to do. We should not be doing that at all.

3.15 p.m.

Mrs. Persad-Bissessar SC: Absolutely nothing.

Hon. S. Cadiz: They prefer, the detractors of this Government prefer we all stay home like how the other side is staying home and do absolutely nothing to assist the people of this country.

Mr. Speaker, I now read from the *Trinidad Express* newspaper, dated November 12, 2013, and the headline reads:

“Shorten recognition period

Oilfield Workers’ Trade Union (OWTU) president...Ancel Roget says that the People’s Partnership Government should seriously assist workers wishing to join a union of their choice by ensuring the process of recognition is completed within three months, and not years.”

And from what they tell me, there are cases before the Recognition Board going on for, the Member for Pointe-a-Pierre, for how long? Recognition Board.

Mr. McLeod: I have a case for 10 years.

Hon. S. Cadiz: For 10 years. Ten years the workers, the trade union applies for recognition of a bargaining unit. Ten years, and they cannot get an answer. So, Mr. Roget in 2013 is making a demand on this Government, making a demand that the maximum time for the process of recognition should be three months and not years, and in some cases not 10 years.

So, Mr. Speaker, it is indeed clear, from both these articles, that there have been requests for legislative amendments relative to the Industrial Relations Act. So let us get straight into Mr. Roget’s request, and I now refer this House to clause 13 of the Bill, and it reads:

“Section 32 of the Act is amended:

- (a) ...subsection (1), by deleting the word ‘expeditiously’ and substituting the words ‘, within six months of the date of the application,’”

So here it is, expeditiously, in some cases meant 10 years. I do not know how that could be. I do not know who interpreted expeditiously to mean 10 years. But here it is this Bill that we are bringing here states within six months of the date of the application. Mr. Roget’s demand was for three months. It is felt that maybe three months was a bit unrealistic and therefore six months, not 12 months and not by any means 120 months.

So, when it is that they say that they are complaining about the legislation that is being brought before this House, let them identify exactly what it is that they are complaining about, what part of this Bill really and truly is not in keeping with what how they thought it should be. But here it is that there are parts of this Bill that are changing the way in which we do business with labour.

You see, Mr. Speaker, the existing legislation simply provided for the certification to be done expeditiously, which is as I said, and there was no mandate that the certification could be done within a particular timeframe. And hence the reason that the application for certification could have taken a very, very lengthy period of time to be treated with. The Bill is now mandating upon the board, the Certification Board, that the certification must be done within six months of the date of the application, and, Mr. Speaker, given the nature of the process, I do submit to this honourable House that six months is indeed a very reasonable time for the applicant and the board.

Mr. Speaker, let me now get to clause 14, the existing legislation at section 34(2) simply allows for that union which holds more than 50 per cent support to be certified as the representing union. With the amendment, Mr. Speaker, this allows for an objection by the employer. Such an objection may be based on one of four grounds. And what are the four grounds? The four grounds could be, the claim made by the union seeking to be recognized is false, the accounting of the union is false, the union has filed false membership records or there has been some other allegation of irregularity in the operation of the union.

And why not? These are organizations run by people, like all organizations, and there is always a chance of issues arising, and therefore, the unions, if there is an objection on any one of those grounds then the Certification Board will have to look at it differently. So not only does the legislation allow for the objection in ensuring that there is fairness and equity to both sides. And what is wrong with those words? What is wrong with fairness and equity? The legislation allows for the union to answer to the objections and only if the union successfully answers the objection will the board proceed to certify, failing which the board will not certify. Mr. Speaker, I do not think any organization within our society can ask for any more fair and equitable legislation.

We move to clause 24, which amends Part V of the existing legislation which seeks to treat with the:

“CANCELLATION OF CERTIFICATE OF RECOGNITION AND OTHER SANCTIONS”—on a trade union—“FOR FAILURE TO REPRESENT A MEMBER OR WORKER.”

And more particularly, new section 70A reads:

“It shall be the duty of every certified recognized majority union to properly represent every worker in every bargaining unit for which it is certified as the recognized majority union.”

And further, new section 70B provides:

“Subject to this Part, a trade union member or a worker of a designated bargaining unit aggrieved by the representation or non-representation of a recognized majority union may petition the Court to seek the cancellation of the certificate of recognition of the trade union or for such sanctions as the Court deems fit on the grounds that the union has—

- (a) failed to represent the member or worker of the bargaining unit; or
- (b) been negligent in its representation of the member or worker of the bargaining unit.”

Okay, that is fairly lengthy, but what does that mean? It means that all workers who are members of a trade union have a right to proper representation and there can be no discrimination against any worker who is seeking to have proper representation. And therefore the worker also has rights.

So not only the union has the right for the representation of the workers but the worker also has rights. And I am pretty sure if you look at the history of the trade union movement in this country there will be instances of where workers or a worker or a group of workers may have been aggrieved about the quality of the representation or how they were represented over a particular issue, and therefore, if there is no recourse on behalf of those workers, what happens? What happens to these workers?

So the same way everybody has a right, the worker who is paying membership fees to a union and who is a bona fide member of a trade union also has rights to be able to question the quality of the representation.

Mr. Speaker, it is my understanding that every trade union within our society mandates upon its members to pay monthly, fortnightly or weekly union dues as the case may be. These dues are paid by the member with a reasonable expectation that if and when the need arises that the union would provide representation on behalf of the member. So again we are talking about the actual workers' rights here and not the rights of the trade union or the membership of the union. And, Mr. Speaker, when I use the term “reasonable expectation”, I am speaking to the fact

that the member expects that the representation that is being afforded to him is of a standard to the satisfaction of the member and not of a standard to a dissatisfaction of the member resulting in unfavourable decisions in this matter.

I do not want to go and drift into constitutional issues, but there has been a call, for instance, in Trinidad and Tobago of a right to recall, right to recall a Member of Parliament. So if it is that a Member of Parliament was not performing his duties over a particular period, the constituents have the right to recall. So the Member of Parliament has to deliver, and in delivering has that particular—the constituents, sorry, they have a reasonable expectation that the Member of Parliament is going to serve their needs over a period of time. And therefore, the same thing will apply, of sorts, in this particular case.

When people are members of an organization, when they are paying dues, for instance, when they vote for you there is a reasonable expectation that they are going to be serviced in a particular way, you are going to look after their needs. And when you do not do so that is when people, they have to have some sort of recourse in dealing with this particular situation. If for instance, in the Legal Profession Act, and I am not going to go through Chap. 90:03, but if it is that a person feels aggrieved that a lawyer did not represent them properly in a particular matter, in a court matter, they have recourse of going and reporting the lawyer, for instance, to the Law Association. So there is recourse there.

So, Mr. Speaker, in a like manner, the client of an attorney-at-law who pays his legal fees has a reasonable expectation again. That term “reasonable expectation” that there would be a representation of a particular standard under the Legal Profession Act, it allows for a client to file a complaint against an attorney-at-law who would have provided poor representation or default in his representation, and that having been said, is it not fair therefore that the worker who is subjected to a poor or negligent representation by a trade union could be afforded the opportunity to petition the committee?

I am not saying that every worker who, because you know “everybody right”. Everybody is right. And therefore a worker who felt that if he was disciplined in a particular way, wages suspended or whatever it is, “he wrong like hell you know, but he right”. The union in fighting the case for him realises that this person really and truly was not operating in accordance with policy and regulations and within the collective bargaining agreement, et cetera, and will tell the worker, very sorry, you know, you lose. This time you are not right, and the worker might feel aggrieved and he will go before the recognition and Certification Board, but that is not to say that the board is going to just automatically just cancel or decertify the

union. That is not the case here. But the case here is, in fact, that the worker should have some level of recourse to be able to deal with his representatives, in this case his union, where it is felt that he has not been properly represented.

Mr. Speaker, clause 10 of this Bill seeks to amend section 22 by inserting a section 22A with subsection (1) and (2). Both these subsections establish required qualifications for the secretary and other offices of the board. This is the recognition Certification Board. And, Mr. Speaker, as I indicated earlier in the last amendment for this Bill is sometime in 1994, the existing legislation makes no provision for any academic qualifications which the secretary and officers must have. And the Bill also outlines the qualifications of other members of the board who shall have qualifications in industrial relations, law, accountancy or social sciences.

So we are tightening it up. Mr. Speaker, great importance in this Bill, of course, is the establishment of the Consolation and Mediation Service, and I know the Member of Tabaquite, in his contribution, he dealt with that. But the “CAMS” as it is known, the Consolation and Mediation Service also known as “CAMS”, it should be managed by a counsel comprising of 14 members made up of all different persons. And therefore it is the fairest way in which we can deal with this and this legislation speaks to that.

And the functions of the CAMS which is very important, Mr. Speaker, is:

“(a) to promote the improvement of industrial relations...”

To promote the improvement of industrial relations and yet still we are hearing that this anti-labour. How could this be dubbed as anti-labour, where we are promoting the improvement of industrial relations and, in particular, to encourage the extension of collective bargaining and its development?

So where is the anti-labour part of this? How can this Government be dubbed as the worst, the most anti-labour Government in the history of this country when we are talking about promoting the improvement of industrial relations and in particular, to encourage the extension of collective bargaining and its development, where necessary to reform the collective bargaining machinery, including the timely negotiation and registration of collective agreements. And this is anti-labour. Well I would hate to see, we know what anti-labour is you know. The anti-labour section is not here this afternoon, all right. And if you really want to look at the history of labour relations in this country start to check from 1956 to see who is really, where the real anti-labour Government, where were they from 1956 to now? And it is not hard to find. They have persons who are still alive and well, who went through the horrors of what a real anti-labour Government is.

Mr. Indarsingh: They follow their colonial predecessors when they were with Butler.

Hon. S. Cadiz: I am presenting, Member, not you. So, Mr. Speaker, when we talk about this anti-labour and we are talking about the reform of the collective bargaining machinery including the timely negotiation and registration of collective agreements. You know when we talk about the timely negotiation or collective agreements, and the Member for Pointe-a-Pierre, the hon. Minister of Labour and Small and Micro Enterprises will tell you that the figure now, I remember him saying when he first started calling the figures—when the Member first started calling the figures—it was 65, then it went to 67, then it reach 70.

3.30 p.m.

So now I understand that the total figure that this Government can boast about when we are talking about collective agreements is now 127. [*Desk thumping*] And you know, the first thing you will hear them outside is, “What 127?” I hear somebody saying the other day, “Dey doh have 127 trade union in Trinidad.” So “wait nuh”, each collective bargaining agreement is by a different trade union? You know, the facts are there. This is not fiction, Mr. Speaker. The Ministry of Labour and Small and Micro Enterprise Development was responsible for the completion of 97 agreements that we met, and then we have 27 second-round agreements that we have done, and we are now on to the third round, where we have three completed already, and more to come.

So here it is, this horrible, anti-labour Government, that in five years settled 127 agreements—and out of the 127, I am not too sure how many we actually met when we came into office in May of 2010, but I am pretty sure if it is that we had to settle 127, it would have been a great portion of that, that we actually met. It must have been the 97 that we had actually met when we came in.

So, Mr. Speaker, this administration is indeed aware of the numerous challenges encountered in settling wage negotiations and notwithstanding the challenges faced, based on strenuous, genuine efforts made by this administration, of course, which we are indeed proud to report to this honourable House, that during our tenure we have settled all of these wage negotiations. Of these negotiations that have been settled, a very high percentage were, in fact, what this administration inherited from the previous administration, which is why I am raising this. It is simply because, had the previous administration seen it fit to enact legislation of this type, there would have been in existence the Conciliation and Mediation Service. You know, maybe they might come tomorrow and say,

“Well, we thought of that, yuh know. Dah was in de pipeline. Cor yuh know dem famous fuh dis pipeline”, that everything that this Government speaks about, it was in their pipeline. So maybe they might talk that the Conciliation and Mediation Service was in their pipeline, ready to go until they called the snap election. But always: “should have, would have and could have”.

When they talk about, it may have happened that there would have been an improvement in the industrial relations, if they had done it we would have seen that there would have been a reformation in the collective bargaining process. If they had done it, there would have been timely negotiations and registration of collective agreements. And if they had thought about doing it, there would have been sufficient advice and guidance to employers, employers’ organizations, workers and trade unions on matters concerned with industrial relations.

But, Mr. Speaker, they did not do it. This Government—this pro-labour, this pro-employer, pro-Trinidad and Tobago Government—is the one who is doing it. So do not ever, for one minute, consider this as an anti-labour Government. It is ludicrous to even make that statement. But, of course, you have the “mannequin man” driving around, making fun, insulting the Prime Minister, instead of dealing with what he should have been dealing with all the time. He should be spending his time looking after the interest of labour, not only for his own membership of the OWTU, but looking after the interest of labour throughout Trinidad and Tobago.

If “yuh so powerful an big and bad”, why are you not leading the charge when we are talking about amendments to the Industrial Relations Act? “But yuh want tuh walk around with mannequin and yuh talkin dis nonsense about handcuffing and what have you, of a Prime Minister? Dat is what yuh spending yuh time doing? I doh understand dat, Mr. Speaker.” That is how you are dealing with labour relations in this country? “Ratiray”, all over the place? For what? Sit down mano-a-mano with those who can help, those who can assist, those who can make the changes, which is the Government—sit down mano-a-mano with them and deal with it. The noise that you are making outside, the “ratiray” noise, nobody is taking on that. They are not interested in hearing that.

What they are interested in is: how is this going to better my quality of life? How am I going to have a better quality of life tomorrow? How are my children going to benefit from this? How am I going to buy a house? How am I going to buy a car? How am I going to educate my children? How am I putting food on the table? That is what the workers of this country want to know. Is my job going to be secure? That is what the workers want to know, not about mannequin. But, anyway, that is that individual and we will leave him right where he is.

So, Mr. Speaker, when we look at this, I just want to confirm, basically, what this legislation leads to. A major goal of the amendments is to ensure, one, that workers are recognized as the centre of our development and that all workers, organized or unorganized, are a critical factor in the overall development of the Republic. [*Desk thumping*] For example, domestic and other types of employees are now defined as workers under the Act. So no longer are these people going to be subjected to abuse.

An overall restructuring of how Justices can be appointed, thus avoiding any questions that may arise through interference from political and other outside forces.

Mr. Speaker: Hon. Member, your speaking time has expired. Would you like an extension?

Hon. S. Cadiz: Yes.

Mr. Speaker: Hon. Members, the question is that the speaking time of the hon. Member for Chaguanas East and Minister of Transport be extended by 15 minutes.

Question put and agreed to.

Mr. Speaker: You may continue, hon. Member. [*Desk thumping*]

Hon. S. Cadiz: Thank you, Mr. Speaker. Appointments will be done by a commission appointed by the President of the Republic of Trinidad and Tobago which will include the hon. Chief Justice and other independent personnel.

Mr. Speaker, the Registration, Recognition and Certification Board would be able to deliver more expeditiously, due to the introduction of panels led by the chairman or vice-chairman, with members making such a tripartite, transparent process that reduces the length of time to be taken to grant recognition. And of course, we talk about the maximum of six months. There would also be short-term recognition certificates.

Also, using the Government's social dialogue approach to reform the dispute settlement mechanism, a wider pool of mediation and conciliation personnel would be introduced as an independent Conciliation and Mediation Service. Strict time limits will be set for each of the stages of the process so that all such dispute matters would be settled within a given time frame.

In addition, Mr. Speaker, the amendment also ensures that all workers in a recognized bargaining unit must be given equal representation by the recognized majority union. The union will have to represent all workers in the bargaining unit, however, with the proper guidelines in place.

Mr. Speaker, when we look at this, and when I look at the issues before us, in my own Ministry, the Ministry of Transport, we have PTSC, we have PLIPDECO, we have Port Authority, Airports Authority, National Helicopter Company, a number of agencies that have bargaining units in them with different unions representing workers. We completed the PTSC. That is one of the 127. One of those would be PTSC. PLIPDECO also, up to date; the Port Authority.

I want to say something about the Port Authority. One of the areas that we are working on with the Port Authority is the complete local crewing of the fast ferries going to Tobago. For years we have used a mix, more so of foreign crew rather than local crew. And here it is that this Government, recognizing that the talent is right here in Trinidad and Tobago to be able to have—and these are special ratings that are required to operate those fast ferries. Therefore, all crew on our fast ferries, we are looking to ensure that these are all local crews, from captain right down, throughout all the ratings.

We have the issues of the Airports Authority and, again, we inherited an issue with the Airports Authority from since, I believe, 2005 that we are, in fact, working towards getting settled. So, Member of Parliament for Pointe-a-Pierre, that would be another one we are going to add, and that will be done very, very soon. And I want to say that some of these issues ended up in the Industrial Court, and it is the intention of the Ministry to be able to settle as many of these issues outside of the court by sitting down with the workers' representatives and dealing in an amicable and reasonable way to ensure that we can sign off on these agreements and not having the court pronounce.

So, Mr. Speaker, I would just like to say, in closing, that without a doubt, I fully support the Industrial Relations (Amdt.) Bill and I know that they may have some further discussions. And with that, I really want to support this legislation, and I want to follow suit from my political leader in saying that this piece of legislation is unprecedented in Trinidad and Tobago.

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

Mr. Speaker: The hon. Member for Couva North. [*Desk thumping*]

The Minister of State in the Ministry of Environment and Water Resources (Hon. Ramona Ramdial): Thank you very much, Mr. Speaker, for being given the opportunity to present on this Bill. But before I go to the Industrial Relations (Amdt.) Bill, I want to speak a little bit about the background and the backdrop with respect to how we exist and our relationship with the different stakeholders when it comes to industrial relations in Trinidad and Tobago.

J. Henry Richardson, a famous trade unionist, said:

“Industrial relations is an art of living together for the purpose of production.”

The general industrial relations policy in Trinidad and Tobago is based on voluntary, collective bargaining between employers and workers via their representative associations for the settlement of terms and conditions of employment. And what we have very unique here in our country is that of a culture that accompanies that period of bargaining where we have the music, the drums, and the media very much highlighting the plight of the workers and recommendations to Government during that period of bargaining.

In some instances, we have seen in recent times it has become very hostile. We have also identified in recent times that some of our stakeholders, with respect to the unions, have different agendas—self-serving agendas—and some may even say political agendas at the end of the day. However, the employment relationship in Trinidad and Tobago may be governed by either/or a combination of both industrial relations principles and practices and legislation.

State employees include civil servants, teachers and members of the protective services, fire, police and prisons. The employment relationship between the State and its employees is governed generally by legislation which makes provision for terms and conditions of employment, including recruitment, hours of work, leave entitlements, payment of remuneration, pensions, allowances and other benefits.

Mr. Speaker, in the private sector, collective bargaining is generally engaged between individual companies with the respective recognized majority unions, rather than on an industry-wide basis. Those aspects of the employment relationship which could not be left to collective bargaining, such as employee health and safety, minimum age of employment and workers’ compensation, retrenchment and severance benefits and maternity leave, are set down in legislation which bind the State and private employers.

So the legislative framework of Trinidad and Tobago provides for different pieces of legislation to accommodate for health and safety. In Trinidad and Tobago we have the OSH Act for maternity and benefits. We have the Maternity Act, and we have the Workers’ Compensation Act also. The Industrial Relations Act provides for the following:

- A free collective bargaining between employer and workers through their representative associations
- The development of a peaceful and expeditious procedure for the settlement of disputes

- The establishment of the Industrial Court
- The Recognition and Registration of trade unions
- Freedom to be represented by a trade union and the right not to associate
- Industrial action which may be taken by both employer and employee.

So these are just some of the conditions set down by the Industrial Relations Act. Today, however, we have an amendment to this Industrial Relations Act, and of course, it is titled: the Industrial Relations (Amdt.) Bill 2015.

The purpose of this Bill seeks to amend the Industrial Relations Act, Chap. 88:01 to strengthen and improve the industrial relations system in Trinidad and Tobago by making the system more efficient, more effective and more expeditious from the recognition of the union to dispute settlement.

3.45 p.m.

There is also a need to create an independent dispute settlement process in the formation of CAMS and that stands for the Conciliation and Mediation Service, and to foster the independence of the Industrial Court.

Now, this legislation is also connected to the Constitution of the Republic of Trinidad and Tobago, and by extension it would also be an amendment to that. Some of the major changes proposed by the legislation firstly, of course, is the appointment to the Industrial Court, where the Act provides that the Court shall consist of two divisions, each consisting of a Chairman and such number of other members be not less than two as may be appointed by the President of Trinidad and Tobago. Of course, the Bill provides for the Chairman and the Justices, who will be appointed in accordance with the provisions of the Constitution.

Secondly, Mr. Speaker, qualifications of secretary and examiners of the Registration Recognition and Certification Board—that is the board that we have all been speaking about. Previous speakers would have alluded to the composition of this board—and this provides:

“22A(1) That the Secretary to the Board shall be a person with qualifications, preferably a Master’s degree, in industrial relations, law or social sciences.

The examiners will be required to have qualifications in industrial relations, law, accountancy or social sciences. The composition of the board will comprise of the Chairman, at least three members, one of whom must be a member appointed under

Industrial Relations (Amdt.) Bill, 2015
[HON. R. RAMDIAL]

Wednesday, May 13, 2015

section 21(3)(b)(iii), and section 21(3)(b)(iii) provides that two persons appointed to the board must be persons jointly nominated by organizations or other bodies most representative of workers and employers.

Thirdly, the determination of recognized majority union, which is a very important aspect of this amendment Bill. Section 34 of the Act provides that:

“(2) Where it appears to the board that more than one union has as members in good standing more than fifty per cent of the workers...in an appropriate bargaining unit it shall certify...the...union which has the greatest support of the workers...”

So, again we exist in a culture where, you know, in recent times you have seen little groups coming up and, of course, wanting to become unionized, and therefore, we need to regulate through legislation how we go about accepting and regulating these groups who now want to claim union status. Therefore, this determination of recognized majority union will seek to put the requirements out there so that these associations can abide by them and see whether or not they fit the criteria to become unions later on.

The Bill also makes provision for:

“14(2) ...an objection to be raised by an employer, another trade union or the Registrar of trade unions that—

- (a) the claim made by the union seeking to be recognized as false; and
- (b) the accounting of the union is false;
- (c) the union has filed false membership records; or
- (d) there has been some other allegation of irregularity in the operation of the union,...

The Bill also imposes a time limit wherein an objection must be filed no later than 28 days from the date of application for certification of recognition.

Mr. Speaker, this amendment Bill also seeks to introduce certification of recognition for short-term projects, which the Member for Tabaquite mentioned earlier on, and I would just summarize what that means and that is to make new provisions for a trade union wishing to obtain a certification of recognition for the purposes of a short-term project. Once an application has been made under the new Part IIIA, it cannot be withdrawn without the consent of the Chairman of the Board. The union having the highest percentage be not less than 33 1/3 per cent of the workers comprised in the bargaining unit.

The Bill also provides that the members aggrieved by the representation of a union recognized under Part IIIA may petition the court to cancel a certificate of recognition, or for any other relief as the court may determine. For the purposes of the settlement of trade disputes, short-term projects are to be treated as essential services. So this is now going to be a new application by which short-term projects will have representation via this Bill.

In addition to that, Mr. Speaker, we have the Chief Conciliator-Mediator, Conciliation and Mediation Service, and the Bill will provide that the disputes procedures under the Industrial Relations Act will no longer be managed by the Minister of Labour and Small and Micro Enterprise Development, but by the Chief Conciliator of the Conciliation and Mediation Service.

Reporting of a trade dispute is another element in this amendment Bill. Section 51 provides that the:

- (1) ...trade disputes...may only be reported...by—
- (a) the employer;
 - (b) the recognised majority union;”—or
 - “(c) where there is no recognised majority union, any trade union, of which the worker...”—is a member.

The Bill now provides that a trade dispute may also be reported by a person who, in the opinion of the board, is responsible for the formulation of policy in any undertaking or business, or has an effective voice of policy in any undertaking or business.

Time frame for reporting disputes. Currently, Mr. Speaker, a trade dispute may not be reported to the Minister if more than six months elapsed since the issue giving rise to the dispute. The Minister, however, may grant an extension of time in his discretion. This Bill extends the time frame for reporting a trade dispute to two years. The discretion to extend time for the reporting of the trade dispute is also removed.

Cancellation of certificate of recognition and sanctions for failing to represent a member or a worker. In this amendment Bill it provides that:

- “70A It shall be the duty of every certified recognized majority union to properly represent every worker in every bargaining unit for which it is certified....”

Industrial Relations (Amdt.) Bill, 2015
[HON. R. RAMDIAL]

Wednesday, May 13, 2015

Clause 24 provides that:

“...a trade union member or a worker of a designated bargaining unit aggrieved by the representation or non-representation of a recognized majority union may petition the court to seek the cancellation of the certificate of recognition of the trade union or for such other sanctions as the court deem fit...”

In addition to that, we have the Conciliation and Mediation Service and, of course, the functions of that service would be to promote the improvement of industrial relations and to encourage the extension of collective bargaining; to propose draft regulations for the conduct of collective negotiations including time limits to ensure that agreements are registered during their contractual period; to provide conciliation or mediation services subject to Part V to bring about a settlement of a trade dispute which exists, is reported or apprehended. It also provides conciliation or mediation services by a servant or officer known as a Conciliation or Mediation Officer. It will also go on to provide general advice or guidance to employers, employers’ organizations, workers and trade unions; to publish such general advice and guidance on matters concerned with industrial relations and employment policies in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago. It would also enquire, if it thinks fit, into any question relating to industrial relations in any particular industry or in any particular undertaking or part of an undertaking. And lastly, to publish the findings of an inquiry under this section with any advice given if it thinks fit.

In addition to that, Mr. Speaker, there would be an office of Economic, Legal and Industrial Relations Research, which will seek to also include the framework for such an office and, of course, that office would comprise of a head of legal research, a statistician, a labour economist and such other officers including officers with training, qualifications or experience in law, industrial relations and social science as are required to assist in the effective management and delivery of the services of the Office of Economic, Legal and Industrial Research and the Court.

The Executive Director is mandated to carry out directions given to him by the President of the Court in pursuance of functions of the office of Economic, Legal and Industrial Relations Research. So these are just some of the major proposed legislative changes to the Industrial Relations Act via the Industrial Relations (Amdt.) Bill 2015.

But, Mr. Speaker, we must look at our—during the five years of being in Government, the People’s Partnership Government, we must look at what we have done for workers in our country. In 2012, and I make reference to a *Newsday* report,

Friday, January 27, 2012, where the Minister of Labour and Small and Micro Enterprise Development, Minister Errol Mc Leod, of course, made the announcement that Parliament would soon be seeing a Bill that would seek to increase women's paid maternity leave from the current 13 weeks up to 14 weeks. This he said would bring T&T in line with the international standards set by the International Labour Organization (ILO) and, of course, that announcement was made in a post-Cabinet news briefing.

This change, of course, that came about in 2012 where we increased the maternity leave from 13 to 14 weeks, came from our manifesto promise in 2010, in the People's Partnership 2010 election manifesto promises document and, of course, that is where the pledge was to amend the Maternity Protection Act and to also ditch the Masters and Servants Ordinance. The change was accompanied by Parliament passing a new measure and, that is, the National Insurance (Amdt.) Regulation, 2012 to let the maternity benefit be paid out for 14 weeks.

Mr. Speaker, this was a bold move and a long-anticipated move because the people of our country, especially the women of our country, as you know, came with proposals to different Governments before us coming into power in 2010, to seek to increase the maternity period and leave. Therefore, I know that the mothers of this country at that point in time—and I want to assume still continue to be very grateful to the People's Partnership Government for, of course, making this change to accommodate for the very crucial period of time, which is the birth of a young one, of course, having that period to nurture and take care of.

Mr. Speaker, in addition to that, our Government under the leadership of Prime Minister Kamla Persad-Bissessar, we have gone on to also take into consideration the calls from different NGOs, CBOs and other pressure groups in our country, for want of a better word, with respect to workers' rights, listening to the recommendations with respect to workers' rights. As you know, our leader has always said to the country that we should lead by consensus and we should listen and then lead, and as a Government this is what we have been doing since 2010 to date, and I know for a fact that we will continue to do so in our second term of Government.

Mr. Speaker, however, as a young parliamentarian and a female being that, in my days of school and university I remember that our first Prime Minister alluded to female Ministers in his Government as being part of the kitchen Cabinet. Yes! You know, that to me at that point in time, being a student, was highly offensive and continues to resonate within me as being highly offensive because one can

Industrial Relations (Amdt.) Bill, 2015
[HON. R. RAMDIAL]

Wednesday, May 13, 2015

interpret it in many, many different ways. We have seen over the years, from 2010 to now, where we have sought as a Government to ensure equal opportunities for all in the workplace, all genders in our workplace.

We have seen our Prime Minister, of course, working very closely together with the Ministry of Gender, Youth and Child Development where it is that Ministry would have partnered over the years with many stakeholders to come together to formulate a gender policy which is now before Cabinet, so that we can accommodate for all these changes, and of course, coming, through time, modernization of some of our stipulations in the workplace especially with regard to women and equal opportunity, equal pay, a fair day's work for a fair day's pay. Because globally, Mr. Speaker, when we look at workers' rights, we see that women are still unfairly treated in some work places, in some countries around the world. I know that in other countries, we have equal pay across the board for all.

4.00 p.m.

But we have looked over the years at the causes of such and, you know, it is very funny though when you think about it, in the private sector especially and not just in Trinidad and Tobago but across the globe. The private sector, they are driven by profit and profit-making, and therefore having a female or females within their system, especially those who would want to expand the family and start a family, et cetera, it is seen as a disadvantage to the company where that female works. And therefore, there is conflict sometimes with respect to maternity leave, payment during that time that the woman has to take maternity leave and that sort of thing. But, over the years, we have seen, of course, with women NGOs and, of course, the equal opportunity groups coming together. We have even seen the International Labour Organization getting on board over the years and, of course, trying to stipulate and send down the agendas to the different countries where it is that we must treat all our workers equally and fairly, and Trinidad and Tobago is no stranger to that.

However, I must emphasize that since the People's Partnership Government got into power in 2010, we have been the most worker-friendly Government to date in the history of this country. [*Desk thumping*] And why I say that, Mr. Speaker, is because before entering politics, I was a teacher and I remember that period between 2002—2009, where it is there was always a strike action or some sort of protest on behalf of TTUTA, and I was always part of that movement of TTUTA. Mr. McLeod is smiling at me. Yes, I have had to temper down my activism over the years.

Mr. McLeod: You are a comrade.

Hon. R. Ramdial: Yes, yes. And you know, it was always an agitation against the then PNM Government because they were never, of course, friendly, for want of a better word, to the different workers and their recommendations and the unions. And with this Government, we have seen over the years where, even though we may agree to disagree, we have extended our hand in discussions. We have always gone and said, “Well, let us sit; let us meet; let us discuss; let us see where we can work things out; let us see where we can probably ask you to give us some sort of flexibility.”

And at end of the day, however, when you compare our conduct with respect to labour relations in this country and compare it to that of the PNM’s conduct and their relationship with labour relations and trade unions, one can see very much so that we are very worker-oriented in our country, we recognize the importance of our workers in this country. We recognize the importance that we need to encourage our workers and, of course, engage in proper systems, management systems, wage negotiations, and that is why today, we can boast about 127 negotiations being settled. [*Desk thumping*] That is why we can boast about that because when we compare our track record and we look at the PNM and other governments before that, they cannot boast about what we have done in the space of five years. They probably took 20 years and even less negotiations settled over those years.

So, Mr. Speaker, it is a lot about history in Trinidad and Tobago when we look at the struggles of our unions, of our labour neighbours. And what we need to do as a country, however, Mr. Speaker, is that our union leaders in this country need to recognize that we are a very educated population, first and foremost. We are a very, very educated population and no amount of propaganda—and I speak with respect to those unions who now have political agendas in this country because it is blatant, you can see that. You see them protesting with political parties, you see them engaging in talks with political leaders, other political leaders. Nothing is wrong with that, but at the end of the day, the words that emanate from particular unions and groups in this country, you can see that there are political agendas of some as compared to others and that the workers, the rights of the workers are not represented as how it should be.

Mr. Speaker, I want to say that the propaganda meted out by these unions to their workers and to their membership is a serious thing in this country and therefore, I think that sooner or later, you know, we will have to do something as a country to deal with this. Because it is proven to be unproductive, first and

foremost; you have persons, of course, leaving their jobs to protest for days, strike action, all of that and therefore, we need to inculcate a new culture of productivity in this country. And as a Government, we are giving, we are listening. Minister of Labour and Small and Micro Enterprise Development, you know, we are giving, we are settling negotiations and therefore, we expect that sector of workers to give back and to become very productive and, of course, to see the holistic development of this country at the end of the day.

So therefore, I want to caution the members of these respective unions, that you are smart, you are educated and therefore, do not be taken in by the propaganda of some self-serving union leaders. It is not right, especially for the young people of this country because our young ones, we look for role models in our country and we look around, and who do we see? “Somebody draggin ah mannequin” in the middle of the street and dressing it up and showing disrespect to women. That is not something that our young people should subscribe to. And in addition to that, the propaganda again, as I said before, that is meted out, the exaggerations by these so-called union leaders, it is something that we need to be cognizant of and take note of. And I would expect that later on, we would see, you know, automatically, that the country of Trinidad and Tobago would, of course, get on board with the “proactiveness” of our Government and what we want to do and where we want to see our workers at the end of the day.

And really and truly, Mr. Speaker, there is one thing in mind and that is, of course, to continue to develop our country and our people. Our Government is very much focused on that. We have shown through the years, through our budget presentations, through the representation of our Members of Parliament. We are really on the ground, we are very accessible. We are a bunch of MPs that are most accessible to the people of this country and therefore, we are also, with that being accessible, we can boast of also being very transparent and everything is out there, and any questions can be asked and we are willing to clarify and give answers for as we do in Parliament also. That is very true, Member for Fyzabad.

So, Mr. Speaker, at the end of the day, I really want to support this Industrial Relations (Amdt.) Bill and to commend the Minister of Labour and Small and Micro Enterprise Development for a good job, and to also say that this is not the end of it, we have lots more to do as a Government with respect to labour relations in this country. And I also want to commend those union leaders out there who seek the rights of their workers first and foremost, without taking into consideration their self-serving agendas. And lastly, Mr. Speaker, I want to commend our Prime Minister for being the leader that she is and has developed into over the years in ensuring that our people stay first in the agenda of this Government. Thank you, Mr. Speaker. [*Desk thumping*]

ARRANGEMENT OF BUSINESS

Mr. Speaker: Hon. Members, earlier on I did indicate that we have to revert to the item Statements by Ministers, a statement to be made by the hon. Minister of Finance and the Economy. At this time, I will now invite the hon. Minister of Finance and the Economy to make a statement. [*Desk thumping*]

STATEMENT BY MINISTER**Sural (Barbados) Limited and GORTT
(Arbitration)**

The Minister of Finance and the Economy (Sen. The Hon. Larry Howai): Mr. Speaker, I am pleased to announce today that Government has emerged victorious in yet another major multi-million dollar international commercial arbitration [*Desk thumping*] which could have had a significant impact on our Treasury.

The victory arose from the controversial aluminium smelter plant project between Sural (Barbados) Limited and the Government of Trinidad and Tobago. The then PNM Government spent close to \$475 million to keep this project alive. This arbitration took place in Miami, USA, before a distinguished Arbitral Tribunal appointed under the rules of the International Chamber of Commerce, International Court of Arbitration.

The witnesses for the Government who gave evidence in this matter were: former Attorney General Anand Ramlogan Senior Counsel, Mr. Leroy Mayers, Ms. Colleen Murray and Mr. Adrian Bernard as well as expert witness Mr. David Stern, Chartered Accountant and Partner of StoneTurn LLP, UK. The witnesses for Sural were: Professor Ken Julien, Dr. Alfredo Riviere, Mr. Renda Butler, and expert witness Mr. Christopher Stobart.

Dr. Julien was the head of the Natural Gas Task Force and chairman of the National Energy Corporation and was the lead person in the Government's discussions and instrumental in performing due diligence on Sural. In leading up to its decision, the Tribunal rejected and dismissed outright Sural's evidence and instead preferred the evidence of the Government's team of witnesses.

The former administration entered into a joint venture business partnership arrangement with Sural for the construction of an aluminium smelter. NGOs and local community objected because they were not consulted. Residents protested because they did not want such a plant in their area because of the unexplained

Statement by Minister
[SEN. THE HON. L. HOWAI]

Wednesday, May 13, 2015

health risks, and the High Court quashed the approval which was given by the EMA. Notwithstanding this, the then Government continued with the project.

They entered into a unanimous shareholders' agreement on July 03, 2007 with Sural and a joint venture partnership company, Alutrint Limited was formed. Alutrint was created to manage the project development and ownership of the plant. The shareholding was divided 60 per cent and 40 per cent Sural. The then Government approved an aluminium smelter project at a cost of TT \$3.3 billion with the smelter component estimated to cost TT \$1.7 billion. Both parties agreed to fund the project in a two-fold manner.

First, debt funding of TT \$2.5 billion and secondly, equity funding of TT \$875 million from both shareholders, Sural and GORTT, in proportion to their respective shareholding in Alutrint. There were a number of red flags which went unheeded and ignored by the former administration and by Sural. From mid-2007, Sural failed to pay its equity contribution in breach of the shareholders' agreement accepting that it was a material breach and requested that the agreement be terminated.

From mid-2007 onwards, Sural did not contribute a single—I was going to say a single cent, but I should say a single dollar—towards—[*Interruption*]

Dr. Gopeesingh: A single red cent.

Sen. The Hon. L. Howai: A single red cent towards the operation of Alutrint and GORTT had no alternative but to continue meeting the whole of Alutrint's expenditure. This, of course, is reminiscent of what happened in the failed GTL project in Petrotrin where Government funds were used to bail out the defaulting partner and keep the project artificially alive.

The establishment of the plant fell under the ambit of the Environmental Management Act, Chap. 35:05. But in a High Court judgement delivered by the Honourable Justice Mira Dean-Armorer on June 16, 2009, the Certificate of Environmental Clearance was quashed for the project, thereby disabling Sural's drive to initiate commencement of any work. Despite the court's decision, the former Government carried on with their financial investments towards Alutrint. In total, Sural invested \$35 million whereas GORTT, the Government of the Republic of Trinidad and Tobago, invested close to \$475 million.

According to the shareholders' agreement, equity was to be contributed in the ratio of 60 per cent Government and 40 per cent Sural, and the total equity to be contributed was \$875 million. That is \$525 million for Government and TT \$350 million from Sural. What happened was that Government paid over 90 per cent of

Statement by Minister

Wednesday, May 13, 2015

its equity contribution in the Alutrint funding as set out above or, said previously, with Sural, either unwilling or unable to make equity contributions to the project or their full equity contributions to the project.

4.15 p.m.

As a result, Alutrint looked to Government alone to fund cash calls and the funding requirements of Alutrint for any continuation of construction work in the project.

The following is a list of Government payments to Alutrint:

- 30th July, 2007, equity call, \$75 million;
- 7th February, 2008, operating expenses of Alutrint, \$20 million;
- 30th April, 2008, payment for piling and compaction works and equity call, \$47.9 million;
- 31st August, 2008, piling and dynamic compaction works as well as relocation of affected residents and applications for fiscal incentives, \$169 million;
- 1st July, 2009, advance payment requirements to Alutrint, \$100 million; and throughout the project there were ongoing equity calls of \$62.5 million.

This Government noted serious concerns as to Alutrint's viability and in its first budget speech in September 2010 announced that the project will immediately cease. Thereupon, Sural commenced international commercial arbitration proceedings claiming damages of \$355 million plus interest for alleged breaches of the shareholders agreement and costs.

In the alternative, Sural claimed as damages, three times the amount of its invested capital in the company. This amounted to TT \$107 million. Sural acknowledged at the time that it was in material breach of the shareholders agreement as a result, and having only invested \$36 million in total, with Government by contrast having invested \$475 million approximately, Sural's shareholding in Alutrint, according to the Government's expert report, was valued at nil.

Sural, like Government, continued to hold its shareholding in Alutrint in respect of the failed contractual project. Those shares have no value because of the fact that the venture failed, the company is non-operational and therefore the

Statement by Minister
[SEN. THE HON. L. HOWAI]

Wednesday, May 13, 2015

company can only be notionally valued. It is Government that has suffered very substantially from the failure of the contractual project.

Whereas Sural contributed \$36 million, GORTT has contributed significantly more. A large proportion of this was paid after Sural permanently withdrew from the contractual project in the second half of 2007, in breach of the shareholder's agreement, in mitigation of Sural's breach and in an effort to maintain the running of Alutrint and its contractual commitments, whilst efforts were made to create a new project.

The hard-fought arbitration proceedings in this matter resulted in a victory for the people of Trinidad and Tobago. The decision made by this Government in 2010 was the best one thus far for Sural's destitute project. The decision stated the arbitral tribunal does not consider that GORTT's cancellation of the project was a repudiatory breach of the shareholder's agreement as alleged by Sural. The reality was that the contractual project was dead by the end of 2007, by reason of Sural's refusal to pay the equity call and its decision to disengage from the contractual project and to seek a new agreement which never happened.

In the arbitral tribunal's view it would not be right to hold that GORTT was in repudiatory breach for cancelling a project that was already effectively dead by the end of 2007.

The tribunal made the finding that GORTT attempted to keep the shareholders agreement alive by looking at ways of restructuring the project at the stage when nothing was being done to advance the contractual project. But once these attempts failed Government was entitled to terminate the shareholders agreement.

In essence the Tribunal found:

1. All of Sural's claims were dismissed in the arbitration and confirmed that there was no conduct on the part of Government that amounted to a repudiation of the shareholders' agreement;
2. The Government is the party that prevailed in this arbitration; and
3. The tribunal ordered Sural to pay Government's legal and other costs of TT \$13.7 million and ordered Sural to pay 90 per cent of Government's costs of the arbitration fees and expenses of \$2 million. The total sum of costs awarded was \$15.7 million.

Statement by Minister

Wednesday, May 13, 2015

The arbitrators were Lord Collins as President, former Judge of the UK Supreme Court; Charles N Brower, who was a judge of the Iran-US Claims Tribunal at the Hague and Mr. Ali Malek QC.

This is one of just several projects which we have had to address such as the failed Bamboo investment deal at eTeck and the World GTL Project. In both of these projects, the attempts at a joint venture business partnership ended because of the then Government's failure to conduct proper due diligence and the resulting poor selection of a joint venture partner. None of these partners seem to have had any money to invest in these significant multi-million dollar projects but the then Government continued to pour hundreds of millions of dollars into a dark economic hole.

Mr. Speaker, I thank you.

Mr. Warner: Thank you, Mr. Speaker. Minister, in light of the arbitral ruling that you have just advised us about, what plans does your Government have now for that project, that location?

Sen. The Hon. L. Howai: Mr. Speaker, certainly that project is not going to go forward any longer. Government had sought to find additional projects for that area. Currently, the Mitsubishi/Massy Project is one that would be going in that area and discussions are underway with various other investors for additional new projects to be considered for that area. But for the time being, the only one where we have made very significant progress, and we have already signed agreements is with respect to the Mitsubishi/Massy Project, which is a methanol to dimethyl ether project.

Mr. Speaker: Hon. Members, I think it is a good time for us to pause and have an early tea. This sitting is now suspended until 5.00 p.m.

4.21 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

INDUSTRIAL RELATIONS (AMDT.) BILL, 2015

Mr. Chandresh Sharma (*Fyzabad*): Thank you very much, Mr. Speaker. The history of Trinidad and Tobago would reflect that the labour movement obtained its birthright in the constituency of Fyzabad for which I continue to have the singular honour of serving for many years.

Coming out of Fyzabad at the same time is the distinguished Member for Tabaquite and the Member for Caroni East. As I look at them sometimes and we share a common birthplace, I trust that our hairstyles will remain the same.

Mr. Speaker, as the Member for Tabaquite indicated, what is the purpose of work and why do people work? He went further, in keeping with the legislation—I want to pay tribute to my neighbour, the hon. Minister of Labour and Small and Micro Enterprise Development.

The records will show, as Members of this Parliament of Trinidad and Tobago, we subscribe to the CPA, so our membership obtains in many, many countries and as a result we are able to share experiences and knowledge. Trinidad and Tobago, under this particular Minister of Labour and Small and Micro Enterprise Development, and under the further guidance of the hon. Prime Minister, will reflect that the highest number of workers settlement has been arrived by this Government, close to 85 and still counting. It means that the Government of Trinidad and Tobago, under Prime Minister Kamla Persad-Bissessar SC, kept to its manifesto pledges which became Government policy by saying and by stating that we will look after the people of Trinidad and Tobago.

By looking after the workers of Trinidad and Tobago you are really taking care of all the people of Trinidad and Tobago. Coming out of every single home there is a worker. And today the workers are the most satisfied in this part of the world. In fact, if you were to look—I came out of Toronto yesterday morning, the teachers there are on strike for two weeks and many schools are closed, hon. Minister of Education, simply because they are negotiating. But here in Trinidad and Tobago, our workforce continues to be taken care of.

Let us reflect very quickly. What are the needs of the worker and how has this Government responded to that? Well, the first is that workers want to have jobs. Today, the unemployment rate in this country is approximately 3.6 per cent. It means that the majority of our people who wishes to work continue to gain employment. Workers want to make sure their children are at school. Today, under this Government of Trinidad and Tobago all our children of school age are at school. But more than that, not just at school, our schools' every single need is met, starting from school security.

You would recall, Mr. Speaker, on several occasions you would have read that schools were closed because the schools did not have water or the washrooms were non-functional. Not a single school, in the last five years, has been closed because of the lack of water, for instance.

More than that, the teacher population in our schools, the highest number of teachers in any period of governance in Trinidad and Tobago is under this Minister of Education, all schools, teaching aids. So, again, the worker is going out there to work, as Dr. Rambachan indicated, the Member for Tabaquite, but they want to work to make sure that the needs are met and it must be a collective effort and we continue to make sure that obtains.

In addition to that, the worker is working to take care of his immediate or extended family. As a result, housing is required. Again you will see the demonstration of the Government of Trinidad and Tobago. Today, for the first time in any part of the world—and again when we look at the global best practices, no country, no Government in any part the world is delivering 100 houses every week, no country in the world.

5.05 p.m.

More than that, the lowest house loan in the world today is in small Trinidad and Tobago under the big heart of the Prime Minister of Trinidad and Tobago. Today, you can obtain a first time home owner's loan of 2 per cent; Mr. Speaker, it goes beyond that. So the average person, whether that person is working at URP or CEPEP or teaching, or wherever, and that income of \$10,000, the worker is able to obtain a loan of up to \$850,000 at 2 per cent. It means to say, if one was to say, well, can a URP worker obtain that, or a taxi driver? The short answer is yes, because a \$400,000 loan at 2 per cent—I know the Member for Caroni East is very good at maths—but at 2 per cent on \$400,000 that instalment will be less than \$2,300 a month. What will that worker be able to do with \$400,000? Well, again, a brick in this country is \$2.99, the lowest it has been for many, many years. [*Desk thumping*] So that the labourer, the person engaged in labour services for Trinidad and Tobago, can build his home, but we go beyond that. We make sure that homes are available to all our citizens, across the board. More and more land is coming into that for the worker. So we are making sure, Mr. Speaker, that the worker is able to be treated with.

Again, what does that worker want? And what is the Government treating with in terms of the worker's requirement? We want to make sure that safety at the workplace obtains the highest priority. Again, the Minister of Labour and Small and Micro Enterprise Development continues to make that a driving force. So today, the workplace is extremely safe, and that is important because the legislation of the Government of Trinidad and Tobago, lends to that, and through the different agencies of Government across the board.

Industrial Relations (Amdt.) Bill, 2015
[MR. C. SHARMA]

Wednesday, May 13, 2015

In fact, Mr. Speaker, at all the offices of Members of Parliament, there are persons paid for by the State, and at local government, again, keeping with the labour force. For the first time in Trinidad and Tobago, local government representatives were able to access offices with staff and computers, et cetera, in an effort to treat with workers across the board. So today, in our MP offices, persons come from different areas, the worker is coming there, and he is looking for assistance. What is some of the assistance that that worker might be looking for? He wants to further educate himself. The Member for Tabagite made the point that under the Government-sponsored programme of assessment centres—as you know, the “grandfather principle” obtains in this country, as it obtains in many parts of the world where persons would have gone on from apprentice or trained in a shop, in a body-work shop, in a mechanic shop for 10/15 years, and that person now wants to seek employment in a formal organization.

Today, that worker can go to an assessment centre and get a Government-issued, authorized certificate which he can now present at another workplace. In fact, in Canada a few days ago, I met two persons who were able to use that certificate of assessment to seek employment in Canada. So again, it tells you that small Trinidad and Tobago is preparing for the global market, but more than that, Mr. Speaker, the Minister indicated in the presentation of the Bill, the purpose, and appointment to the Industrial Court that provides:

The court shall consist to two divisions each consisting of a Chairman and such number of other Members be not less than two.

Very important, the worker wants to make sure that in the event a matter arises, that his or her case can be heard, and the Industrial Court is the place for it. The Bill provides that:

The Chairman and justices will be appointed in accordance with the provisions of the Constitution.

Very important, it means that the average person here, the simple man, wants to know that when he accesses the hearing of this court, that he will be treated with, and it is provided for by the Constitution.

Qualifications of Secretary and examiners of the Registration and Certification Board, the Bill provides:

That the Secretary to the Board shall be a person with qualifications preferably a Master’s degree in industrial relations, law or social sciences. Examiners will

be required to have qualifications in industrial relations, law, accountancy or social services.

Again, we are making sure that the best minds are attracted, but more than that, persons who are practitioners in the field, and when you look at the qualifications that are to be considered—industrial relations. Mr. Speaker, perhaps it might be a good time to recall or to remind ourselves that in this Parliament we have an authority on labour relations, in the person of the Leader of Government Business, [*Desk thumping*] whose work has been recognized. I recall as a young Member of Parliament, in going out to the different parts of the country to engage persons in becoming attracted to the politics of Trinidad and Tobago, oftentimes we would refer to young—then young—Roodal Moonilal, because when he graduated from the university with his PhD, he was the first in that university to come out with a first in the area of study. [*Desk thumping*] Again, that tells you—now, one must reflect—this was a young citizen of Trinidad and Tobago working in a union, the All Trinidad Sugar and General Workers' Trade Union.

So again, we made sure that persons who are in the industry and lending support continue to be available to all of Trinidad and Tobago. Composition of the board:

That provides that applications, certifications, are to be heard before a majority of the board. The Bill makes new provision for such matters to be heard by the Chairman and at least three members, one of whom must be a member appointed under section 21(3)(b)(2).

Mr. Speaker, this is a very important qualification, simply because oftentimes you would hear matters being adjourned for different reasons, and time is lost and workers' rights may not be treated with. Here, a consideration, and the hon. Minister must be congratulated, because this is in keeping with best practices. So that when you have a matter, it reaches the board, and if the entire board is not there, there is a provision, and I want to repeat that:

The Bill makes new provision for such matters to be heard by the Chairman and at least three members, one of whom must be a member appointed under section—and I indicated.

So again, we are going beyond the call of duty to make sure the needs of the worker are met with.

Industrial Relations (Amdt.) Bill, 2015
[MR. C. SHARMA]

Wednesday, May 13, 2015

We go further, Mr. Speaker, determination of the recognized majority. Section 34 of the Act provides:

That where it appears to the board that more than one union has members in good standing, more than 50 per cent of workers in an appropriate bargaining unit, it shall certify the union which has the greatest support of the workers.

Mr. Speaker, this is a very important development because you recall on a previous occasion, in a general election of Trinidad and Tobago, where a political party having gained the majority of voters, with equal number of seats, was not appointed the Government of Trinidad and Tobago. Here we are making sure that the workers' rights are treated with and it says:

To make sure that workers have an appreciation, more than 50 per cent of the workers in an appropriate bargaining unit, it shall certify that the union has the greatest support of the workers.

Further, the Bill makes provisions for an objection to be raised by an employer, another trade union and or the registrar of trade unions. Again, that is very important because we are making sure that all voices are heard, and that is what governance is about. You know, I recall in May 2010, the hon. Prime Minister Kamla Persad-Bissessar extended an invitation to all of Trinidad and Tobago, regardless of who you were, you were a teacher, a doctor, a lawyer, an NGO, a CEO, faith-based organization, a trade union, to get involved in the governance of Trinidad and Tobago, and look what it has resulted with. Today, we are one of the happiest countries in the world, where all our people are extremely happy, but more than that, our employment, 3.6 per cent, the majority of our people are working.

Today, the wage in this country is on par with best wages in any part of the world for the same services. In fact, in some areas dollar-for-dollar, our employees here earn much more. Today, the cost of living in this country is below the average in the United States or Canada. Today, the accessibility to health care, to public transport, is better than many, many countries of the world. I indicated earlier, the housing loan here is the lowest in this part of the world. So again, the needs of the workers are being treated with and we will continue.

Mr. Speaker, I want to go further. The Bill makes provisions to be raised by an employer, another trade union, and what it says:

The claim by a union seeking to be recognized as false, the accounting of the union is false, the union has filed false membership records or there has been some other allegations of irregularity in the operation of the union. The Bill also

imposes a time limit whereby an application must be filed no later than 28 days from the date of the application for certification.

So important, very important, so that this gives the fairest opportunity, a most transparent approach to make sure that every concern is treated with. I want to continue.

Certification of recognition for short-term projects:

The Bill makes new provision for a trade union wishing to obtain a certification for the purposes of a short-term project. Once an application for certification is made under the new Part 3(a), it cannot be withdrawn without the consent of the Chairman of the Board.

The union having the highest percentage being not less than 33 per cent and 1/3 per cent of the workers comprised in the bargaining unit. The unit provides that members, by the representation of a union recognized under this part, may petition the court to cancel a certificate for any other relied as the court may determine. For the purposes of the settlement of the trade disputes, short-term projects are to be treated as essential services.

Mr. Speaker, section 51 provides:

That trade disputes may be reported to the employer. This is under Reporting of Trade Disputes—the recognized majority union, or where there is no recognized majority union, any trade union of which the worker is a member. The Bill now provides that a trade dispute may also be reported by a person who in the opinion of the board:

1. Is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of undertaking or business; or, time frame for recognizing disputes:

Currently, a trade dispute may not be reported to the Minister if more than six months has passed since the issue giving rise to the dispute. The Minister may, however, grant an extension of time in his discretion.

This is important because we are also making provisions in the event of any human error, or any shortcomings that disputes are treated with, that every worker is catered to and cares are extended.

Mr. Speaker, in looking at general practices and best practices, these are very new areas, and this arose largely in consultation with all the partners, all the stakeholders. This is one of the Government's benchmarks in terms of governance,

Industrial Relations (Amdt.) Bill, 2015
[MR. C. SHARMA]

Wednesday, May 13, 2015

making sure on every occasion, at all levels—and I am sure it happens on both sides of the House—where Members of Parliament continue consultation in the community groups; all Members of Parliament.

In fact, you may recall, that the Member for Fyzabad remains the WWF champ, of wakes, weddings and functions, [*Desk thumping*] in an effort to make sure that we reach out to every single one, at all levels in the society, and that is important; that obtains for all Members of Parliament, and we must be encouraged so to do—[*Interruption*]

Hon. Member: “Ah thought was wakes, weddings and funeral?”

Mr. C. Sharma: You are mixing up the Fs, Sir. [*Laughter*]

Cancellation of certificate of recognition and sanctions to follow—for failing to represent a member/worker.

Mr. Speaker, this very important, extremely important, and this is in keeping with the policy of the Government. The Government of Trinidad and Tobago, under Prime Minister Kamla Persad-Bissessar, is for every single citizen of Trinidad and Tobago, and we have made the manifesto of the 2010 election, government policy.

5.20 p.m.

We have made the manifesto of the 2010 elections Government policy. When you look at the manifesto it says, “Prosperity for all”. It means that we are going to treat with every single person and we have demonstrated that across the board, whether it is in Diego Martin—we were there a few nights ago, we will go to Tunapuna on Monday night—wherever we go, we speak with the people of Trinidad and Tobago.

Every single Member of Government and others in those meetings also take the opportunity to listen as well, because if during the meeting somebody has a concern and they want to raise it with the Minister of Housing and Urban Development or the Minister of Education that opportunity obtains.

In addition, in our constituency offices, oftentimes while we are there—largely to represent the interest and the concerns of the constituents—there are persons from different parts of the country. I oftentimes run into somebody in my constituency office who says: “I want to go and see the Minister of Works and Infrastructure, can you give me a letter of referral? I want to go and see the Minister of Education”, and they know the days of the offices. So, I said: “The best place to go really is to the Ministers’ Ministry office because it is a Ministry matter”, but

they find it very convenient oftentimes, because the Member of Parliament for Tabaquite or the Minister of Housing and Urban Development or whoever is in their offices sometimes up to midnight—again, this is in keeping with what obtains best, because we are looking after the worker morning, noon and night, and we want to make sure that we continue in that vein.

So, the Bill provides that:

“It shall be duty of every certified recognized majority union to properly represent every worker in every bargaining unit for which it is certified...”

This is legislation. So, the worker is guaranteed by the laws of the Republic of Trinidad and Tobago, presented by the Kamla Persad-Bissessar Government to make sure that every worker concern is treated with.

So, there was a time you would here a worker saying that the union is not representing my interest for one reason or the other—Members of Parliament, oftentimes we run across those issues. Here, we are saying, the Bill provides that:

“It shall be duty of every certified recognized majority union to properly...”

The word “properly” is used here. So it did not read “to represent” but “to properly represent”, to make sure that what the law intends to obtain—the spirit of the law in this context is applied for every worker in every bargaining unit or which it is certified.

In fact, clause 24 provides:

“...a trade union member or a worker of a designated bargaining unit...by the representation or non-representation of a recognized majority union may petition the Court...”

It goes beyond. If the worker feels that he has not been treated with, he:

“may petition the Court to seek the cancellation of the certificate of recognition of the trade union or for such other sanctions as the Court deems fit...”

Mr. Speaker, this is First World legislation, and I can feel very certain that many countries would be looking at this to adopt in their own countries. Perhaps, when Dr. Roodal Moonilal, in his other place—when he leaves here and continues to write—can advance this in other places. This is very, very important. So that we are making sure—and today the employee, the worker, the labourer, wherever you are in Trinidad and Tobago—this Government is taking care of you, morning, noon and night, and we are taking care of you [*Desk thumping*] based on what we said to you in the manifesto of 2010 that we will treat—regardless of where you came

Industrial Relations (Amdt.) Bill, 2015
[MR. C. SHARMA]

Wednesday, May 13, 2015

from, whichever political party you may have supported, which ever religious belief you may subscribe to—that we are going to take care of you and we are demonstrating that here in the Parliament of Trinidad and Tobago.

It goes further. The Bill makes provision for the establishment of an authority to be known as the Conciliation and Mediation Service. The functions:

“(a) to promote the improvement of industrial relations and in particular to encourage the extension of collective bargaining...”

Very important.

“(b) to propose draft regulations for the conduct of collective negotiations, including time limits, to ensure that agreements are registered during their contractual period;”

So, Mr. Speaker, as I indicated earlier, here you have a Government—and, you know, we usually come here for a five-year term and some have gone less than—to make sure that we treat with industrial relations and we make sure that the conduct of collective negotiations obtains.

“(c) to provide...mediation services subject to Part V to bring about a settlement of a trade dispute which exists...”

(d) to provide conciliation or mediation services by a servant or officer...

(e) to provide general advice or guidance to employers, employers’ organizations, workers and trade unions...”

This is a very important development. So that when we legislate—that is the Government of the Trinidad and Tobago—we are making sure we attend to the needs of the employer as well, so that no employer in this country at any time feels that he or the organization is taken advantage of. We make sure that balance obtains. So the employee’s needs are met and the employer’s requirements are also treated with.

“(f) to publish such general advice and guidance on matters concerned with industrial relations and employment policies in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago;”

Mr. Speaker, some time ago, a question arose in the Parliament, as is the norm and a practice, about money spent in advertisements and this is where money goes. The law requires us to make sure that information of the Government of Trinidad and Tobago that is to the benefit of the people of Trinidad and Tobago is circulated. The law says it and we make sure—some persons are too busy to read the newspaper, for instance—it is put in the print media as well.

So, today, every law that we have passed, every service of the Government of Trinidad and Tobago—when we spoke about 100 houses, we did not do like the previous administrations secretly. It was in all the media; print and electronic. When we spoke about land for the landless, print and electronic media, every citizen can access it, and the list goes on.

When you talk scholarships—not like the previous Government secret scholarships—it is available across the board. When the Prime Minister indicated that all NGOs and CBOs and faith-based organizations and persons involved in civil organizations shall be able to access assistance, financial and otherwise, it was in the public domain. Today, for the first time in the Republic of Trinidad and Tobago, and the first time global best practice, every single organization in this country—religious and other—can access Government assistance. Previously, under previous Governments, it was a secret; it was a deal; it was payback, almost like a bribe—whichever religious organization in this country, whichever sporting organization—I can tell you which duplicates 41 times. It obtains in the constituency of Fyzabad. We make sure that every organization obtains some assistance, every single one. That is at the NGO level.

At the home level, for the citizens of Trinidad and Tobago, whether it is house repair grant, it is across the board. Every office of every Member of Parliament has forms to assist—birth certificates are available, burial grants, funeral grants, whatever—we make sure so that the worker, wherever he or she is, when that worker leaves the constituency of Fyzabad to go to work wherever he or she may be working—Port of Spain—the worker wants to be certain that whoever he or she leaves at home, the spouse and the children are taken care of.

If a medical matter arises, within seven minutes of every single home in this country, medical institution services are available, and some extended hours. In every health centre in this country there is a pharmaceutical department, medications are available. This was not available in many, many, places. In every health facility in this country—[*Interruption*]

Mr. Speaker: Hon. Member for Fyzabad, your speaking time has expired, would you like an extension?

Mr. C. Sharma: Mr. Speaker, I think I have said enough. [*Desk thumping*]

Mr. Speaker: Okay.

ARRANGEMENT OF BUSINESS

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the debate on this matter of the

Arrangement of Business
[HON. DR. R. MOONILAL]

Wednesday, May 13, 2015

Industrial Relations (Amdt.) Bill, 2015 and the Constitution (Amdt.) Bill be adjourned to another sitting. I beg to move.

Question put and agreed to.

CYBERCRIME BILL, 2015

Order for second reading read.

The Minister of National Security (Sen. The Hon. Brig. Carlton Alfonso): Thank you, Mr. Speaker. Mr. Speaker, I beg to move:

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

RELATED BILLS

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

Assent indicated.

CYBERCRIME BILL, 2015

Sen. The Hon. Brig. Alfonso: Thank you, Mr. Speaker. Mr. Speaker, we are here today dealing with the issue of cyber security and cybercrime, but what is all this about really? Cyber security strives to ensure the attainment and maintenance of the security properties of the organization and users assets against relevant security risks in the cyber environment.

Whereas cybercrime, according to the commission of the European Union in 2001, describes it as any crime that in some way or other involves the use of information and communication technology, it has now been extended to include massive and coordinated attacks against the information infrastructure of a country.

Mr. Speaker, in continuing, this Government realized the benefits of information and communication technology ICTs for its citizens and, as such, its use is underscored by the objectives of the Government's *Medium-term Policy Framework* which has identified the use of technology, as I mentioned, to effectively combat crime.

Mr. Speaker, Pillars 3 and 4 are quite relevant in this regard:

“PILLAR 3—National and Personal Security—Human Security for Peace and Prosperity” in tandem with the use of ICT as a fundamental developmental pillar.

“PILLAR 4—Information and Communication Technologies—Connecting T&T and Building the New Economy”

Mr. Speaker, the public sector, private businesses and other citizens in our everyday lives are all large consumers of ICTs and electronic services. This growing reliance is demonstrated through its fusion with education, trade, health and social services to name a few. My Government realized the immense benefit of ICTs and has embarked on a number of programmes to increase ICT access and reduce the digital divide, once such programme being the eConnect and Learn (ECAL) Programme.

5.35 p.m.

Mr. Speaker, this Government, understanding the need to empower the youth of Trinidad and Tobago with access to a wealth of knowledge, has sought to provide all students entering secondary schools in Form I with laptops. For the period 2010 to 2014, a total of 87,250 students have benefited from this programme. It is the intention of this Government to expand this programme to primary schools. Further, Mr. Speaker, this Government has provided Star.tt access centres which provide the following general services:

1. Cyber cafe facilities;
2. Access to e-services; and
3. Access to WIFI lounge with free Internet access.

However, Mr. Speaker, such opportunities are brought about by the benefit of ICT must be balanced against the need to mitigate and manage the risks that are sometimes the corollary to the benefits available to the Government, businesses and other citizens.

Mr. Speaker, I have spoken about the benefits of ICT, however, let me take you through the cyber threat landscape facing our twin-island State and the world at large. Mr. Speaker, breaches in cyber security of ICTs, which result in cybercrime,

Cybercrime Bill, 2015

Wednesday, May 13, 2015

[SEN. THE HON. BRIG. C. ALFONSO]

can cost countries billions of dollars. [McAfee](#), in its June 2014 report, entitled “Net Losses: Estimating the Global Cost of Cybercrime”, stated that today it is estimated that the annual cost to the global economy from cybercrime is more than US \$400 billion, which reached a significant \$72 trillion in 2012.

Cyber criminals and cyber threats are growing in sophistication and are developing faster than the security industry can provide solutions. There have been drastic increases in Web threats, social media scams, targeted attacks, data breaches and malware. The cyber threat landscape is growing exponentially and Governments are now trying to play catch-up. The criminals, as always, sadly, seem to be one step ahead.

Mr. Speaker, we must recognize that while it may be felt by some, widely, that “God is a Trini”, or “Trinbagonian”, we are simply not immune to cyber threats. But you may recall in April 2012, the hacking into the Ministry Finance and the Economy and Parliament websites, and the July 2012 Automatic Teller Machine (ATM) skimming scams, whereby well-hidden cameras were used by thieves to capture the personal identification numbers of some customers’ debit and credit cards from a few major banking institutions.

Regionally, in March 2013, Mr. Speaker, Barbados’ Government network was hacked, and, prior to that in April 2012, LIME, Barbados’ broadband network came under denial of service attack. Mr. Speaker, the following areas are among the many areas that are susceptible to compromise by criminals, or even terrorists element: one, online banking and financial networks; two, online Government services such as TTBizLink and tconnect; three, real-time information systems such as the supervisory control and data acquisition systems that manage the pumping stations at WASA and T&TEC; four, revenue-dependent oil, gas and petrochemical infrastructure; five, air transport and public ground transportation.

In 2011, Mr. Speaker, the Government, in recognizing the need to manage the ICT-related risk, established an Inter-Ministerial Committee (IMC) to develop a national cyber security strategy for Trinidad and Tobago which comprised various key Ministries.

In December 2010, the National Cyber Security Strategy for the country was approved and became the first fully comprehensive strategy which took into account the needs of all stakeholders and a road map for secured national cyber security framework.

At this time, Mr. Speaker, I would like to indicate that the Trinidad and Tobago Cyber Security Agency and the Cybercrime Bill are both pillars within the National

Cyber Security Strategy and, as such, are complementary to each other. For the avoidance of doubt, while the Cybercrime Bill treats specifically with the criminalizing of certain breaches against the security of a computer and network, both the Cybercrime Bill and the Trinidad and Tobago Cyber Security Agency fall within the broader topic of cyber security.

Mr. Speaker, before I take you through the clauses of the Cybercrime Bill, it is important to note that the Government benefited from technical assistance through the HPCAR project, which is a joint project between the International Telecommunication Union and the European Union. HPCAR, Mr. Speaker, stands for Harmonization of ICT Policies, Legislation and Regulatory Procedures in the Caribbean.

Mr. Speaker, through the HPCAR project modern legislation was developed, in accordance with international and regional best practices, utilizing technology, in neutral language, which promotes the doctrine of cooperation amongst our international neighbours. We were able to benefit from this modelled legislation in putting these Bills forward.

Mr. Speaker, I shall now take you through the Cybercrime Bill, 2015. In the interest of time, I shall speak briefly on Part I, Preliminary, and, on a point of interest, it should be noted that the clause 2 provides for the commencement of this Bill upon proclamation by the President. The rationale for this is that in light of the technical nature of the offences, the Government has been pursuing various initiatives for capacity-building activities, such as the Commonwealth Secretariat's Commonwealth Cybercrime Initiative, which are currently being led by the Ministry of National Security. Initiatives such as these will allow us to train and build the capacity of our Judiciary, prosecutors and investigators within our law enforcement arm on the proposed Bill.

Mr. Speaker, I shall now move on to Part II, Cybercrime Offences. It should be noted that all offences are triable either way and the penalty provided is the maximum penalty, thereby allowing the courts to impose the appropriate penalty in relation to the crime.

Clause 5, Mr. Speaker, seeks to create the offence of illegally accessing a computer system intentionally and without lawful excuse or justification. This clause covers access to a computer system, or any part thereof, for the purpose of securing computer data. The mere unauthorized intrusion is criminalized in this section and aspire to follow up offences such as data interferences.

Moreover, Mr. Speaker, access in this context is open-ended and facilitates further technical development. Furthermore, like most of the other offences listed

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

Mr. Speaker, clause 6 seeks to create the offence of illegally remaining in a computer system. Similar to clause 5, the protected legal interest is the integrity of the computer system. Clause 7, Mr. Speaker, creates the offence of illegal interception, non-public transmission or electromagnetic emissions to or from a computer system. The applicability of clause 7 is limited to the interception of transmissions realized by technical measures. It must be stated that this clause does not conflict with the Interception of Communications Act, as the Interception of Communications Act treats with the interception of content data whereas the offence of illegal interception in this Bill is limited to the transfer process of the communication.

Moving on, Mr. Speaker, clause 8 creates the offence of illegal interfering with computer data and includes damaging or deleting computer data. This clause fills in the existing gaps in criminal law, as well as providing computer data and programmes with similar protections enjoyed by tangible objects against intentional damage.

Clause 9 creates the offence of illegal acquisition of computer data whether for personal use or for use by another person. This clause seems to protect the secrecy of stored and protected computer data and applies only where data is specially protected against unauthorized access. However, Mr. Speaker, special protection is not limited to technical protection such as passwords and encryption but also includes physical measures such as locks.

Mr. Speaker, clause 10 creates the offence of illegal system interference. The application of this clause requires that the offender hinders or interferes with the function of a computer system or with a person lawfully using or operating a computer system.

Clause 11 is of great importance to us as an oil and gas producing State. This clause provides for greater penalties for persons who commit any offence in Part II against critical infrastructure. It cannot be understated the importance of ensuring that the penalty serves as a deterrent to those who would wish to target these assets and, as such, this offence will carry a penalty of \$5 million and 15 years imprisonment on conviction. It should deter some people.

Clause 12, Mr. Speaker, treats with illegal devices. This clause identifies both the devices designed to commit and promote cybercrime, as well as passwords that enable access to a computer system. The term “devices” is intended to cover hardware and software solutions that are aimed at committing one of the mentioned offences. Examples of such software are virus or malware programmes, or programmes designed or adapted to gain access to computer systems. Mr. Speaker, this clause, in general, applies not only to devices that are exclusively designed to facilitate the commission of cybercrime but also covers devices that are generally used for legal purposes where the offender’s specific intent is to commit a cybercrime.

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

Clause 14, Mr. Speaker, creates the offence of computer-related forgery. Clause 15 creates the offence of computer-related fraud, and clause 16 creates the offence of identity-related offences.

Mr. Speaker, clause 17 creates the offence of luring, whereby a person uses a computer system to arrange a meeting with a child with the intent of abusing or engaging in sexual activity with a child. This offence occurs whether or not the person takes steps to effect such a meeting.

Clause 18 creates the offence of violation of privacy by capturing and sharing images of the private area of the person without their consent, where the person has reasonable expectation to disrobe in privacy or their private area would not be visible to the public.

5.50 p.m.

Mr. Speaker, clause 19 criminalizes the act of sending multiple electronic mail messages that are unsolicited and which cause harm to a person or damage to a computer system. Clause 20 treats with harassment utilizing electronic communication. This clause treats with harassment and cyber bullying.

I shall now move on to Part III, Enforcement. This part seeks to provide the tools necessary for an efficient investigation and prosecution of cybercrimes.

Cybercrime Bill, 2015

Wednesday, May 13, 2015

[SEN. THE HON. BRIG. C. ALFONSO]

Clause 21 provides for extraterritorial reach by the courts in Trinidad and Tobago. For example, should a citizen of Trinidad and Tobago commit a cybercrime abroad, that person can be prosecuted in the courts of Trinidad and Tobago. This part also provides for search and seizures by police officers, orders for removal or disablement of data, production orders, expedited preservation orders and disclosure of traffic data. However, use of such tools requires a court order by a magistrate.

Clause 31 provides for the court to order payment of additional fines where the offender accrued a monetary benefit from the commission of the crime, and in clause 32 additional compensation, where the person suffered loss or damage due to the commission of this offence. This Bill also provides for forfeiture of property upon conviction and follows the requisite due process to deprive one of their property.

I shall touch very briefly on Part IV, Internet Service Providers. This part seeks to deal with the various providers of Internet services, and is intended to provide them with a certain level of protection, thus encouraging their cooperation.

Under this part, there is a general no-monitoring obligation for ISPs in that they are not responsible for monitoring the information over their networks, or a requirement to actively seek facts or information indicating illegal activity. However, should a hosting provider or hyperlink provider obtain knowledge or awareness of any offence under the Bill, such provider shall inform the appropriate authorities of same.

Mr. Speaker, the last part of the Cybercrime Bill is Part V, Miscellaneous, which provides for the Ministry of National Security to make regulations as well as the repealing of the Computer Misuse Act.

I shall now move on to the Trinidad and Tobago Cyber Security Agency Bill, 2015. However, before I proceed to the clauses of the Bill, I will like to speak on the importance of creating this agency.

Mr. Speaker, coming out of the IMC it was acknowledged that the implementation of the National Cyber Security Strategy would be difficult. Due to the lack of delineation of roles and responsibilities specific to cyber security related issues, including multipoints of contact, absence of communication and lack of cohesion between the Ministries and the private sector on cyber security attacks or breaches, lack of awareness of cyber security threats, and the need for training and capacity building among all stakeholders, such as academia and civil societies to treat with detection, response and recovery.

As such, in order to coordinate the wide cross-section of entities, it was proposed that a governance framework be implemented, which showed a clear need for an agency. This agency is not the only one of its kind, and there is the European Union Agency for Network and Information Security, ENISA. ENISA is the European Union's response to the cyber security issues of the European Union members states. It is, if you will, the pacesetter for information security in Europe, and a centre of expertise.

Under this part, the agency is established as a body corporate, and will be managed by a board to be appointed by the President. This part deals with the tenure of the board members as well as removal of a member, remuneration for members and the holding of meetings. This part also speaks to the functions of the agency, powers of the agency, as well as the functions of the computer incident response team.

It is expected, as stated in clause 10, that the agency will:

1. "act as the national point of contact for all cyber security related matters;"
2. "establish a national computer incident response team";
3. analyze "current and emerging risks" which could "impact on the resilience and availability of data communications networks";
4. "provide advice on cyber security related matters, including situational awareness information, to the Minister, the Trinidad and Tobago Police Service";
5. "enhance cooperation between different actors operating in the field of cyber security";
6. engage in "awareness raising" on the issue of cyber security and the promotion of best practices to be adopted by various users;
7. "develop and publish standards for products and services on cyber security;"
8. "establish and publish baseline cyber security requirements and standards for various sectors;"
9. "conduct research and development in the area of cyber security";
10. "promote the development of training and education programmes";
11. "advise...on the effective use and adoption of risk preventative technologies;"

12. “promote risk assessment activities”;
13. “develop a National Cyber Security Contingency Plan;”
14. “co-ordinate cyber security exercises;”

Mr. Speaker, it is intended that the Trinidad and Tobago Cyber Security Agency will be the hub for cyber security and all cyber security related matters, including setting standards and conducting cyber crisis management and cooperation exercises.

In order to carry out its functions, the agency is empowered at clause 11 to “formulate principles for the guidance of the public and private sector concerning cyber security measures”, enter into agreements “with key stakeholders” and “foreign bodies”, and to “do all things...necessary or expedient or are incidental...to the discharge” of these functions.

As indicated above, the agency shall establish an incident management response team to be known as the TT-CSIRT, with the functions as listed at clause 12. The TT-CSIRT shall “be the first point of contact with reference to the handling of cyber incidents and communication between local, regional and international cyber security emergency response teams”. The TT-CSIRT shall also “provide alerts and warnings on the latest cyber threats and vulnerabilities”, “assess and analyse the impact of incidents” and provide educational guidelines as to the appropriate use of the national cyber infrastructure, among other things.

Moving on to Part III of the Bill, it provides for the appointment of staff of the board and other “suitably qualified persons”. While the board will have a strategic oversight for the agency, the Chief Operations Officer shall be engaged for the day-to-day management of the affairs of the agency.

Part IV of the Bill will provide for certain financial requirements of the agency, and Part V will provide for certain miscellaneous matters. This brings me to the end of the Trinidad and Tobago Cyber Security Agency Bill, 2015.

In conclusion, the reliance on ICT will only increase as we move into the future. Attacks will only grow more sophisticated and cyber security breaches will only increase. The Cybercrime Bill, 2015 is definitely needed to protect our citizens, our businesses and indeed our Government. Further, the agency will seek to ensure that standards are developed for a safer online experience, both for the private and public sector, as well as engaging in public awareness for all sectors of society, ensuring that cyber security, like physical security, is at the forefront of Government’s developmental thrust.

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

In closing, I ask that this honourable House support both Bills. I thank you very much Mr. Speaker. I beg to move.

Question proposed.

Mr. Speaker: May I remind Members that leave has been granted for the debate on both Bills to be taken together, although the question will be put separately on each Bill, to satisfy the procedural requirements. I recognize the hon. Minister of Science and Technology, Member of Parliament for Toco/Sangre Grande.

The Minister of Science and Technology (Hon. Dr. Rupert Griffith): Thank you very much, Mr. Speaker. It is a pleasure to join this debate on these two very significant and timely Bills. Just today, the hon. Minister of Finance and the Economy made a statement pertaining to the electronic funds regulations. In his statement he indicated that most of the transactions would be done through some form of ICT mechanism, be it a computer, a laptop or a smart phone or several other devices that can be used to effect electronic payment. This Cybercrime Bill is very timely and significant with respect to this new development in our country.

Many agencies have already bought into the electronic funds transfer and electronic payments, and some of the relevant pieces of legislation have been presented in this Parliament, and there are others well on their way and perhaps would be presented before the end of this term and, if not, early in our next term.

Before I go on, I think it is very necessary that I give a clear definition of what cybercrime is. One standard definition I read into the record is “criminal activity of a crime that involves the Internet, a computer system or computer technology. In some cases the computer may have been used in order to commit the crime and in other cases the computer may have been the target of the crime.” So that is one standard definition.

Cybercrime also includes non-monetary offences, such as creating and distributing viruses on another computer, or posting confidential business information on the Internet. The definition also states, from a legal perspective, *Black’s Law Dictionary* defines cybercrime along the types of computer crime, and is a crime involving the use of computers such as sabotaging or stealing electronically stored data. That is one definition.

Cybercrime Bill, 2015
[HON. DR. R. GRIFFITH]

Wednesday, May 13, 2015

Mr. Speaker, cybercrime, or computer crime as it is normally referred to, is any crime that invades a computer or a network. So it is not just the computer, if it invades a network you are also creating a cybercrime. The computer may have been used in the commission of a crime or it may be the target. Net criminal exploitation of the Internet is also cybercrime. This is inherently a cybercrime anytime you interfere with any website or web-based information.

6.05 p.m.

Mr. Speaker, it very significant today because studies have shown, research has shown that by the year 2019 cybercrime will cost about \$2 trillion in losses—by 2019.

Mr. Speaker, also, with no shortage of threats from nation states hackers—to that is the new term they use for hackers of cybercrime, hackers—to terrorists and cybercriminals, our globally connected web infrastructure has become a big liability. The truth is, they have these criminals out there who will surf the net and look at countries similar to countries like Trinidad and Tobago to see whether they are weak targets or easy targets as they refer to them. If you are one such target, you could very well be high on their priority in terms of hacking into your systems. In the Caribbean alone cybercrime is a very costly and expensive thing.

But before I go on further let me just give some fundamentals of what I will cover in the short speech or the short time I have here. One, the importance of a robust cybercrime framework in the delivery of e-Government services. My colleague talked about a number of the e-Government services that we have already put in place in Trinidad and Tobago. This is in order to—these e-Government services, if they are to work and to be effective they must foster confidence in the persons using them—in the users of these systems. So citizen confidence and trust in the system is very critical because if you are going to be involved in electronic transactions or monetary transactions through electronics, you want to be confident and you want to have a high level of trust in the system so that it would be used.

Another fundamental I would like to briefly talk about is the importance of the Cybercrime Bill which works in tandem with the Electronic Transactions Act, as well as the Data Protection Act as part of the development of the comprehensive enabling legislative framework. Data protection is also high on our priority and again, we are finalizing in the legislation for data protection and open data in Trinidad and Tobago.

Now, Mr. Speaker, another fundamental is the rising global economic cost of cybercrime and its effect on the economy and also, foreign investment.

Another fundamental is specific types of cybercrimes that are addressed under the Cybercrime Bill. This is to identity theft—that is big today, Mr. Speaker. People will steal your identity through several media and you know what they can do to it in terms of your personal records, your records on file, as well as your accounts in banks and so forth. The BATT, Bankers Association of Trinidad and Tobago, they have been really working extensively with us because they have suffered a lot of loss—a lot of loss over the years with people hacking into the system and through cybercrime.

Another fundamental is the transactional nature of cybercrime and the—oh, I am sorry—the transnational nature of cybercrime and the importance of international cooperation. It is not only the development of legal framework, but also the detection and prosecution of cybercrime.

Mr. Speaker, the matter now before this House is the Cybercrime Bill, 2015 on which it is proposed that the substantive content of the Bill is intended to repeal and replace the Computer Misuse Act, Chap, 11:17 which has fallen into a state of a kind of abeyance since the proclamation in November 2000. So this Cybercrime Bill, 2015 is intended to replace that. [*Crosstalk*] Two minutes? Okay.

Given the rise in online threats, and since the promulgation of the Computer Misuse Act, new forms of cybercrime and computer-related crime have emerged as new technologies. Just as new technologies have been developed and there are many aspects of cybercrime seen today that this new Bill seeks to comprehensively address.

So, Mr. Speaker, I am told that I should stop here and I will like to pick it up at the next time. Thank you.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Speaker. [*Crosstalk*] Indeed, I beg to move that this House do now adjourn to Wednesday—Friday, May 15 at 1.30 p.m., and to indicate that it is the intension of the Government to continue debate on the current pieces of legislation on anti-cybercrime before us. Mr. Speaker, we will continue the debate on the Industrial Relations (Amdt.) Bill and the Act to amend the Constitution of Trinidad and Tobago, the current matters before us. It is also our intention to complete the debate on the precursor chemicals legislation and to deal with the amendments to the Trade Marks Bill, 2014 that came from the other place. Time permitting, Mr. Speaker, we can also complete the Motion on the Ombudsman Report.

*Adjournment**Wednesday, May 13, 2015*

[HON. DR. R. MOONILAL]

So, I beg to move that this House do now adjourn to Friday, May 15 at 1.30 p.m. and to once again in closing, for the record, highlight the fact that we have six Motions on the Adjournment here for the Parliament. The Ministers have demobilized at this time because of the absence of the Opposition, and to put on record again the Government's concern that the issues affecting those constituencies are not being properly addressed in the Parliament because of the absence of the Opposition Members who are not here to raise those issues on the Motion for the Adjournment with the relevant Ministers. It is a matter that we continue to keep a focus on to see how we can use the instruments of the Parliament to better represent the constituencies that are now—no fault of them—devoid of representation in the House where their Members have abdicated their responsibility. Mr. Speaker, I beg to move.

*Question put and agreed to.**House adjourned accordingly.**Adjourned at 6.12 p.m.*