

SENATE*Tuesday, March 06, 2018*

The Senate met at 1.30 p.m.

PRAYERS[MR. VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. Vice-President: Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Christine Kangaloo is currently acting as President of the Republic of Trinidad and Tobago.

Hon. Senators, I have granted leave of absence to Sen. The Hon. Clarence Rambharat who is out of the country. I have also granted leave of absence to Senators Avinash Singh and Ronald Huggins who are both ill.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from Her Excellency the Acting President, Christine Kangaloo.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS
AQUINAS CARMONA, O.R.T.T., S.C.,
President of the Republic of Trinidad and
Tobago and Commander-in-Chief of the Armed
Forces.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T., S.C.

President.

TO: MS. AYANNA LEEBA LEWIS

UNREVISED

WHEREAS the President of the Senate has temporarily vacated her Office of Senator to act as President of the Republic of Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AYANNA LEEBA LEWIS, to be temporarily a member of the Senate, with effect from 6th March, 2018 and continuing during the acting appointment of the Senator the Honourable Christine Kangaloo as President of the Republic of Trinidad and Tobago.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 5th day of March, 2018."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

By His Excellency ANTHONY THOMAS
AQUINAS CARMONA, O.R.T.T., S.C.,
President of the Republic of Trinidad and
Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T., S.C.

President.

TO: MS. ALISHA ROMANO

UNREVISED

WHEREAS Senator Clarence Rambharat is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALISHA ROMANO, to be temporarily a member of the Senate, with effect from 6th March, 2018 and continuing during the absence from Trinidad and Tobago of the said Senator Clarence Rambharat.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 5th day of March, 2018."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

By His Excellency ANTHONY THOMAS
AQUINAS CARMONA, O.R.T.T., S.C.,
President of the Republic of Trinidad and
Tobago and Commander-in-Chief of the Armed
Forces.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T., S.C.

President.

TO: MR. NDALE YOUNG

WHEREAS Senator Avinash Singh is incapable of performing his duties as a Senator by reason of illness:

UNREVISED

Senators' Appointment

2018.03.06

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, NDALE YOUNG, to be temporarily a member of the Senate, with effect from 6th March, 2018 and continuing during the absence of Senator Avinash Singh by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 5th day of March, 2018."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND
TOBAGO

By His Excellency ANTHONY THOMAS
AQUINAS CARMONA, O.R.T.T., S.C.,
President of the Republic of Trinidad and
Tobago and Commander-in-Chief of the Armed
Forces.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T., S.C.

President.

TO: MR. AUGUSTUS THOMAS

WHEREAS Senator Ronald Huggins is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the

UNREVISED

Senators' Appointment

2018.03.06

Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, AUGUSTUS THOMAS, to be temporarily a member of the Senate, with effect from 6th March, 2018 and continuing during the absence of Senator Ronald Huggins by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 5th day of March, 2018."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Ayanna Leeba Lewis, Alisha Romano and Augustus Thomas.

AFFIRMATION OF ALLEGIANCE

Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.

PROPERTY TAX (AMDT.) BILL, 2018

Bill to amend the Property Tax Act, Chap. 76:04, brought from the House of Representatives [*The Minister of Finance*]; read the first time.

VALUATION OF LAND (AMDT.) BILL, 2018

Bill to amend Valuation of Land Act, Chap. 58:03, brought from the House of Representatives [*The Minister of Finance*]; read the first time.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Agricultural Marketing and

- Development Corporation for the year ended September 30, 2009. [*The Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Princes Town Regional Corporation for the year ended September 30, 2012. [*Sen. The Hon. A. West*]
 3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Princes Town Regional Corporation for the year ended September 30, 2013. [*Sen. The Hon. A. West*]
 4. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended December 31, 2017. [*Sen. The Hon. A. West*]
 5. Audited Consolidated Financial Statements of ExporTT Limited for the financial year ended September 30, 2016. [*Sen. The Hon. A. West*]
 6. Annual Administrative Report of the Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 2016. [*The Minister of Trade and Industry (Sen. The Hon. Paula-Gopee-Scoon)*]
 7. Annual Administrative Report of the Trinidad and Tobago Creative Industries Company Limited and its subsidiaries for the year ended September 30, 2014. [*Sen. The Hon. P. Gopee-Scoon*]
 8. Annual Administrative Report of the Trinidad and Tobago Fair Trading Commission for the year ended September 30, 2014. [*Sen. The Hon. P. Gopee-Scoon*]
 9. Annual Administrative Report of the Trinidad and Tobago Fair Trading Commission for the year ended September 30, 2015. [*Sen. The Hon. P. Gopee-Scoon*]

10. Annual Administrative Report of the Trinidad and Tobago Fair Trading Commission for the year ended September 30, 2016. [*Sen. The Hon. P. Gopee-Scoon*]

AVINASH SINGH

(GREETING OF BEST WISHES)

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): Mr. Vice-President, I would like to crave your indulgence. On behalf my colleagues and everyone in the House this evening, to extend best wishes to Sen. Avinash Singh who has gone through his ordeal with the bees' stinger. He is lucky to be alive today. [*Desk thumping*]

PAPERS LAID

11. Ministerial Response of the Ministry of Rural Development and Local Development to Eleventh Report of the Public Accounts Committee, Second Session (2016/2017), on the Examination of the Audited Financial Statements of the Land Settlement Agency for the Financial years 2008 and 2009. [*The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein)*]
12. Ministerial Response of the Ministry of Foreign and Caricom Affairs to the Fourth Report of the Public Administration and Appropriations Committee, Second Session (2016/2017), Eleventh Parliament, on the Examination of the System of Internal Audit within the Public Service. [*The Minister of Foreign and Caricom Affairs and Minister of State in the Ministry of National Security (Sen. The Hon. Dennis Moses)*]
13. First Ministerial Response of the Ministry of Energy and Energy Industries to the Fourteenth Report of the Public Accounts Committee, Second Session (2016/2017), Eleventh Parliament, on the Examination of the Report of the

Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year 2016 with specific reference to the Ministry of Energy and Energy Industries. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]

14. Administration of Justice (Deoxyribonucleic Acid) Regulations, 2018. [*Sen. The Hon. F. Khan*]
15. Ministerial Response of the Ministry of Social Development and Family Services to the Fourth Report of the Public Administration and Appropriations Committee, Second Session (2016/2017), Eleventh Parliament, on the Examination of the System of Internal Audit within the Public Service. [*Sen. The Hon. F. Khan*]
16. Response of the Personnel Department to the Fourth Report of the Public Administration and Appropriations Committee, Second Session (2016/2017), Eleventh Parliament, on the Examination of the System of Internal Audit within the Public Service. [*Sen. The Hon. F. Khan*]
17. Response of the Trinidad and Tobago Police Service to the Fourth Report of the Public Administration and Appropriations Committee, Second Session (2016/2017), Eleventh Parliament, on the Examination of the System of Internal Audit within the Public Service. [*Sen. The Hon. F. Khan*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Public Administration and Appropriations Committee

Ministry of Public Utilities

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, I have the honour to present the following report as listed on the Order Paper in my name:

Ninth Report of the Public Administration and Appropriations Committee, Third Session (2017/2018), Eleventh Parliament, on a follow up examination of the Ministry of Public Utilities – to the Committee’s First and Third Reports, as well as the Ministry’s Statement of Expenditure as at October 2017.

Land and Physical Infrastructure

Diversification of Local Agricultural Commodities

Sen. Stephen Creese: Thank you, Mr. Vice-President. Mr. Vice-President, I have the honour to present the following report as listed on the Order Paper in my name:

Third Report of the Joint Select Committee on Land and Physical Infrastructure, Third Session (2017/2018), Eleventh Parliament, on an inquiry into the strategies for diversifying the type and number of agricultural commodities produced locally.

URGENT QUESTIONS

Violent Crimes against Women

(Mechanisms Implemented to Combat)

Sen. Wade Mark: Thank you, Mr. Vice-President. To the hon. Minister of National Security: Given the recent increase in violent crimes against the nation’s women, what urgent mechanisms are being implemented to combat this criminality?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): [*Desk thumping*] Thank you very much, Mr. Vice-President. Mr. Vice-President, I have been informed by the Commissioner of Police that several measures have been in place to combat not only violence against women, but against crime, criminality and violence in Trinidad and Tobago. Such measures include a visible presence of marked vehicles and unmarked vehicles, uniformed personnel along the streets and

our inner cities and communities throughout Trinidad and Tobago.

During town meetings the police have been informing residents and the communities as a whole with respect to awareness of their environments, especially when driving into garages, et cetera, they be mindful of vehicles that they use for transportation, advising them that PH taxis should not be a transportation of choice, and if so, they should be very careful as to what vehicles they get into.

During station councils they have been using both print and electric media to send several messages to communities in terms of awareness of that sense of security, Mr. Vice-President.

Mr. Vice-President: Sen. Mark, supplemental?

Sen. Mark: Sir, Mr. Vice-President, could the hon. Minister indicate specifically as it relates to the 15 murders of females in our country since the beginning of the year, what specific measures are being effected by the police to deal with this untenable rise in violence against women? There has been an unprecedented rise in murders against the female population. So, I wanted to ask the hon. Minister, from his response, if he could give us a little more clarification as to the specific measures that are being effected to protect women in our nation.

Mr. Vice-President: Minister of National Security.

Hon. Maj. Gen. E. Dillon: Mr. Vice-President, I thought I answered the question quite clearly with respect to measures that are being adopted by the Trinidad and Tobago Police Service.

Sen. Mark: Is the Minister aware that women when they are victims of domestic abuse when they approach the police in their respective districts, they do not get the kind of cooperation and help from the police in coming to their aid or immediate assistance. Is the Minister aware of this kind of development involving

women?

Mr. Vice-President: Sen. Mark, I would not allow as a supplement question. Next question, Sen. Mark.

**Safety of Police Officers
(Security Steps Implemented)**

Sen. Wade Mark: To the hon. Minister of National Security: In view of recent reports that police officers came under fire by unknown gunmen yesterday afternoon, can the Minister state whether these assailants have been captured and what counter measures would be deployed to secure police officers?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Mr. Vice-President. I would ask Sen. Mark to be a little more specific as to what location he is referring to because I have no information of the incident as he has reported, Mr. Vice-President.

Sen. Mark: Is the Minister aware that somewhere around Besson Street near the police offices Riverside Plaza, police officers, according to a report, went to the aid of a motorist and whilst they were rendering assistance, they came under gunfire in Port of Spain. Is the Minister aware of this or is this fake news?

Hon. Maj. Gen. E. Dillon: Mr. Vice-President, as far as I am aware, no such incident occurred.

Hon. Senator: What?

Hon. Maj. Gen. E. Dillon: So it should be fake news, as far as I am concerned, and that is information from the Commissioner of Police, Mr. Vice-President.

Mr. Vice-President: Sen. Mark, any more supplementals? Sen. Mark, next question.

**San Fernando Neonatal Unit
(Measures to Rectify Unsanitary Conditions)**

Sen. Wade Mark: To the hon. Minister of Health: In light of reports that the Neonatal Unit at the San Fernando General Hospital is operating under unsanitary conditions, what urgent measures are being implemented to ensure that this situation is rectified and that the infected neonates receive immediate care?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Vice-President. First of all, the question is based on a false premise. The conditions at the Neonatal Intensive Care Unit are not unsanitary. The bacterial problem is being caused by babies being born with a bacterial infection, and the cots are too close to each other, so they spread from one baby to another.

This problem has been ongoing for the past decade/decade and a half and no one in authority paid attention to it. It is my responsibility to now fix this, and what I have done immediately is, in two weeks an area has already been designated to be outfitted so that the babies can be split up into two, those with bacterial infections and those without.

I met with the RHA this morning at 8.00 a.m. We have determined the scope of works that is going to be completed in two weeks. No one paid attention to that before. We have already instituted deep cleaning of the facility of the NICU; that has been done. The wider problem is that of anti-bacterial resistance which is a global problem, which unfortunately has found its way onto the shores of Trinidad and Tobago.

This Government moved very proactively last year for the first time in the history of this country to set up a Cabinet-approved antimicrobial resistance committee to tackle this issue of antibiotic resistance in Trinidad and Tobago.

What we have already done is done the back tracing to the community because when the mothers have the antibacterial resistance organisms, they may be asymptomatic, show no symptoms, and then when they give birth, their babies are

born with the bacteria.

So that committee already swung into action, and we are now doing the back tracing. So immediately in two weeks there will be a new facility. In the long term, we have determined a new site for a new NICU which will come on stream in six months. Those are all the measures, immediate, short term and long term. Thank you, Mr. Vice-President. [*Desk thumping*]

Sen. Mark: Could the hon. Minister indicate what is being done to rectify the invasion as it affects young neonates at the San Fernando hospital? In other words, could you tell us exactly what is being done to deal with those neonates that have been infected by this antibacterial resistance that you talked about in terms of spread?

Hon. T. Deyalsingh: So right now, based on the protocols developed onto the antimicrobial resistance committee, they are on a cocktail of antibiotics, because those organisms they are multi-organisms, and they are resistant to the typical antibiotics.

So all of them who are infected are on a cocktail, multi-antibiotics, broad-spectrum antibiotics to make sure we trap the particular infection.

Mr. Vice-President, the world has not registered any new antibiotics for over 30 years. A last class of new antibiotics was a class called the cephalosporins 30 years ago, and this problem is due to the overprescribing and overuse of antibiotics globally. This is a global, global catastrophe, and we took serious action last year via policy, and the immediate measures are the antibiotic cocktail which we are using to make sure these babies can go home safely. And I may add, I met with them again this morning and they are all doing quite well so far. [*Desk thumping*]

Sen. Ameen: May I? Supplemental. Through you, Mr. Vice-President, Mr. Minister, are there any plans to treat with any of these infants at the facility at the

Couva Children's hospital?

Hon. T. Deyalsingh: You know, if we had spent time and money out of vanity projects and fix the Neonatal Unit at the San Fernando General Hospital this would not have happened. [*Desk thumping*] This is a chronic problem stretching back 20 years because no one paid attention to the NICU at San Fernando. The Couva has a 10-bed obstetric-gynaecology ward. That is not enough, hon. Senator. The solution was when oil was \$100 a barrel that this should have been done. This administration with oil that dipped to \$27 a barrel and now in 60s, we are doing what needs to be done for our children because other people had vanity projects to do when oil was \$100 a barrel. I thank you very much, Mr. Vice-President. Any other supplementals?

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Mr. Vice-President, the Government is pleased to announce that it will be answering all questions for Oral Answers on the Order Paper.

2.00 p.m.

Increase in Crimes at UWI

(Measures to be Implemented)

32. Sen. Wade Mark asked the hon. Minister of National Security:

Could the Minister state:

Given the increase in crimes against students at the St. Augustine Campus of the University of the West Indies, can the Minister advise as to what security measures are being implemented to address this situation.

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Mr. Vice-President. The Trinidad and Tobago Police Service has indicated that the meeting was held at the office of the vice-principal of the University of the

West Indies on Monday the 16th of October, 2017, to discuss safety and security matters at the campus. It is instructive to note that subsequent to the said meeting, the Trinidad and Tobago Police Service has implemented the following measures at the University of the West Indies:

- Joint patrols commenced on the 16th of the 10th, 2017. These will continue and has been continuing with the aim of increased safety and security at the campus.

Additional lighting and cameras are to be installed on the University of the West Indies compound.

- Greater control and monitoring entry and access points, police extra duty at three points commenced on the 10th of October, 2017, and is in fact continuing.
- There is an education and awareness programme to sensitize staff and students about safety and crime prevention.

Additionally, the Trinidad and Tobago Police Service has instilled a number of mobile patrols in and around the campus, and also in the perimeter of the campus, Mr. Vice-President.

Sen. Mark: Could the hon. Minister indicate how many safety and crime prevention seminars would have taken place since this initiative?

Hon. Maj. Gen. E. Dillon: Mr. Vice-President, I am unable to answer that. I do not know how many such seminars have taken place. I know that there has been in fact continuous conversation between the Trinidad and Tobago Police Service and the UWI security, on issues of security and safety at the campus.

Sen. Mark: Mr. Vice-President, having regard to the fact that it is five months since this event occurred, could the hon. Minister indicate to us whether he is aware of the number of incidents, or should I put it another way, Mr. Vice-

President, has there been a remarkable reduction in the incidents of, let us say, crime against students at the university since this initiative was taken between the police and the university administration?

Hon. Maj. Gen. E. Dillon: Thank you very much, Mr. Vice-President. For the year 2017 the stats are as follows: There were three robberies, three break-ins—I am talking about the university campus itself—and there were nine incidents of larceny and one serious crime, a total of 16 serious crimes. Between January the 1st and February the 28th, 2017, there were two burglaries or break-ins, there were three larcenies, a total of five in such incidents. Between the same period January 1st to February 28th, 2018, there has in fact been a reduction, there have been two robberies noted, one larceny thus far, up to the 28th of February, 2018, Mr. Vice President. So, there has been in fact a reduction in incidents around the campus area.

National Gas Company

(Details of)

37. Sen Wade Mark asked the hon. Minister of Energy and Energy Industries:

Can the Minister inform the Senate of the following:

- i) whether the NGC or any of its subsidiaries has deposits and/or investments in any bank(s) or other companies in Ghana;
- ii) if the answer to (i) is in the affirmative, please identify the financial institution(s) or the companies in which the investments were made;
- iii) when were the deposits/investments made; and
- iv) the sums of money involved in each case?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Mr. Vice-President, in response to question 37 (i): NGC and its subsidiaries have absolutely no investment or deposits in Ghana. Based on the

response to question 37 (i) the response to (ii), (iii) and (iv), are not applicable.

Sen. Mark: Mr. Vice-President, could the hon. Minister as Minister of Energy and Energy Industries indicate whether there is any intention—having regard to recent visits by the hon. Prime Minister to Ghana—for investments to be had in that country? And, if he can give us an estimated value of those investments?

Sen. The Hon. F. Khan: Mr. Vice-President, you would recall under the Patrick Manning administration of 2007 to 2010, and even before that, initiatives were put in place to have major investment and dialogue with the Government of Ghana. The discussions were very well advanced, and it was starting to bear significant fruit. When the UNC administration took office in 2010 the entire Ghana and East Africa and West Africa initiative was dropped like a hot potato. I am talking to Sen. Obika. It was dropped like a hot potato. It lay dormant for five years. When the Rowley administration came back into office he tried to reignite old fire wood, as the saying goes. By that point in time a lot of the investment had already gone to the Chinese and as we speak, we are still trying to rekindle some of the interest in Ghana, but it is proving to be more difficult than previously envisaged.

Housing Development Corporation

(Eviction of Illegal Occupants)

51. Sen. Wade Mark asked the hon. Minister of Housing and Urban Development:

Given the decision of the HDC to evict illegal occupants from Clifton Towers and the threats to the lives of residents, can the Minister inform this Senate what steps are being taken to ensure the security of said residents?

The Minister of Housing and Urban Development (Hon. Randall Mitchell): Thank you very much, Mr. Vice-President. With respect to Clifton Towers, the Housing Development Corporation continues to cooperate with the Trinidad and

Tobago Police Service, which has been spearheading both surveillance and eviction exercises at Clifton Towers. These exercises are aimed at providing a sense of comfort and security to the residents, and preventing illegal occupancy of the apartment units.

Sen. Mark: Could the hon. Minister indicate whether there are any illegal occupants being housed at this time at this particular housing development location, Clifton Towers?

Hon. R. Mitchell: Thank you very much, Mr. Vice-President. Since very early in December, since the last security breach, there has been no unlawful occupancy at any of the units at Clifton Towers.

Sen. Mark: Mr. Vice-President, could the hon. Minister indicate whether he is satisfied with the scale and level of police surveillance and intervention in that community to at least bring about that level of comfort for the tenants of Clifton Towers?

Hon. R. Mitchell: Thank you very much, Mr. Vice-President, and thank you Sen. Mark for giving me the opportunity to commend the police service for all their work in assisting the Housing Development Corporation in maintaining peace, security and comfort for the residents at Clifton Towers.

Sen. Mark: Could the hon. Minister indicate to us as well, whether these illegal occupants were ever charged, as far as his knowledge would lead him to share with us, by the police authorities, for their invasion of property that did not belong to them? Do you know if whether they were charged? Any persons at all were charged?

Hon. R. Mitchell: Thank you again. As far as I am aware, they were charged at the last eviction exercise. They were arrested and charged.

Sen. Mark: Could you indicate to this honourable House whether you are in a

position to share with it the number of illegal occupants who were charged by the police, given the last episode?

Hon. R. Mitchell: I am not in a position to give the exact number. I believe it is somewhere in the vicinity of six, but I am not able to give an exact number.

Sen. Mark: But would you be able to give us in writing?

Hon. R. Mitchell: I would be able to.

Sen. Mark: Thank you.

Caribbean Gas Chemical Limited Mitsubishi Plant

(Implementation of Safety Measures)

55. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

In light of the protest action by workers at Caribbean Gas Chemical Limited Mitsubishi Plant in La Brea to highlight their unhealthy and unsafe working conditions, what measures are being implemented by the Ministry to ensure that the occupational health and safety of these workers is guaranteed?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Mr. Vice-President. Government has adopted as an integral part of economic development policies due regard to health, safety, security and environmental issues. We welcome investments such as CGCL, which would provide much needed industrial and spin-off activities in La Brea and environs. However, such investment is regulated to ensure conformity to our HSS&E rules and regulations. In this regard, I wish to inform that an OSHA team visited the CGCL construction site on March 08, 2017. A meeting was held with the management team from Mitsubishi Heavy Industries Limited to discuss the following health and safety concerns raised by workers as follows:

- No safe work procedures for crane work being conducted;
- No fire watch for welding;

- Inadequate banks provisions employed;
- Inadequate welfare facilities provided.

That is drinking water, toilets, et cetera.

An inspection by the OSH team, together with a review of the company's health and safety management system was conducted and revealed the following:

1. There was an adequate procedure that deals with safe crane operations including banksman training;
2. There was a procedure that stated a fire watch is required once open flame welding is being conducted.

At the time of the visit no welding activity was observed.

3. There were sufficient washrooms for both male and female; and
4. There were sufficient water coolers and cups on the job site.

The OSH authority determined the complaint was not justified and an inspection report was generated.

As regard the recent reported protest by CGCL employees over working conditions, OSH authority has advised that it did not receive any request by the employees for a review of the working conditions at the plant. As a consequence, it was the view that the protest was purely an industrial relations matter rather than an HSS&E matter.

Sen. Mark: May I ask therefore, what would have led to the eruption of protest action, having regard to what you have just offered to this House? What would have triggered, since the OSH authorities would have shown there was no basis for the arguments that were advanced? What was the basis for the action?

Sen. The Hon. F. Khan: It is obviously captured in my last sentence, “As a consequence, it was the view that the protest was an industrial relations matter rather than an HSS&E matter.” Fortunately, through prudent negotiations by both

parties, that matter has been settled. I myself, through the Ministry of Energy and Energy Industries, made an intervention in the La Brea community with a town hall meeting. We laid out on the table our industrialization plan for La Brea and environs, and I personally called on the La Brea community to seek the interest of their community and to engage in meaningful dialogue when there are dispute resolution matters to take place. And from all indications they have bought into the idea, and I think we will now have a greater level of cooperation from the workers at the plant and the La Brea community in general.

Sen. Mark: Mr. Vice-President, whilst talk is very good, dialogue is very useful, could the Minister indicate what specific mechanisms are being effected to avoid or to avert any eruption of industrial relations activities that can contribute to a further disruption, or any disruption in that plant's activity? Could you share with us what specific mechanisms we are putting in place?

Sen. The Hon. F. Khan: Well, it is not the responsibility of the Government to put specific measures in place. Mitsubishi Heavy Industries Limited is one of the world's leading engineering firms in terms of industrial plants. There is no organized trade union representation for the workers at the CGCL plant. So what happened were these sporadic protest actions emanating out of pockets of the employees. I have encouraged them that nothing is wrong with labour organizing itself, and once that happens and once you put proper dialogue system to solve these issues, we can have amicable solutions to industrial relations matter.

And I just want to refer to my visit to Mexico to look at the Angelin platform, and the Mexican plant is extremely efficient. The Angelin platform is three months ahead of schedule, and it is below cost. But all the workers at the Altamira Fabrication yard are unionized, you know, but the union representatives have continuous dialogue with the administration and with the company. And I

think that is a model that we can follow and follow quite nicely.

ARRANGEMENT OF BUSINESS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Mr. Vice-President, notwithstanding the provisions of Standing Order 31(5), I beg to move that the Senate consider Private Members' Business instead of Government Business.

Question put and agreed to.

PARLIAMENTARY AUTONOMY

(INTRODUCTION OF LEGISLATION)

Sen. Wade Mark: Thank you very much. [*Desk thumping*] Mr. Vice-President, I beg to move the following Motion standing in my name as amended. I am hoping that my colleagues would have received the amended Motion.

Whereas financial and administrative autonomy of Parliament is an undisputed benchmark of a true democracy;

And whereas a legislative proposal entitled the Houses of Parliament Service Authority Bill, 2014 was laid in Parliament and referred to a Joint Select Committee in 2014;

And whereas the Joint Select Committee agreed that parliamentary autonomy is essential to the recalibration of the existing relationship between the Executive and the Legislature;

And whereas the Government, in adopting the 2015 Manifesto of the People's National Movement as its official policy framework, confirmed its commitment to the principles of parliamentary autonomy;

Be it resolved that the Senate call on the Government to introduce legislation by April 30, 2018 to give effect to parliamentary autonomy and that this legislation be immediately referred to a Joint Select Committee of

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

Parliament for early consideration and report.

Mr. Vice-President, before I get into the meat of my contribution, may I join my colleague from the Ministry of Local Government and Rural Development, in extending, on behalf of the Opposition Bench, speedy recovery to our colleague Sen. Avinash Singh, who, we all know, was the unfortunate victim of an attack by bees on his farm. We wish him a very speedy recovery and we hope to see him in this Senate very soon. [*Desk thumping*]

Mr. Vice-President, we have entered a period in the world of what I call “democratic recession” with the fundamental erosion of democratic norms. And, as you know, Mr. Vice-President, the guardrails of democracy can easily be disturbed, undermined, and subverted if we do not have very strong institutions. We all recognize that within the framework of the republican Constitution that we have all pledged to uphold as the supreme law of the land; that in-built into that Constitution is Montesquieu’s doctrine of the separation of powers principle, where we have three organs, branches or arms of the State. We have, Mr. Vice-President, the Executive arm of the State that deals with policy making and they are responsible for governing the affairs of the land. But under 75(1) of our very Constitution, that Executive is accountable collectively to the Legislature or to the Parliament.

Then we have, Mr. Vice-President, the Legislature or the Parliament. The Legislature or the Parliament is not only responsible for lawmaking. It is also responsible for representation of the people. It is also responsible for the provision of finance for the services of the Republic of T&T, and most importantly it is responsible for the oversight of the actions, decisions and activities of the Executive arm of the State. But, Mr. Vice-President, what we have observed, and

we are lucky so far, but we are seeing warning signals, we are receiving warning signals, not only in Trinidad and Tobago but in many parts of the globe where the guardrails of democracy are being undermined, attacked, assaulted and challenged. And therefore, it is incumbent upon us, as a Parliament, to ensure that whilst for the last 56 years we have maintained a vibrant Parliament, we have not had a situation where a Minister of Finance is holding back, unnecessarily, funding for the Parliament, although there are challenges. But we do not know what the future may hold for our country. The American people today are very concerned about the future of their democracy because there is a president in office that they are concerned about, and that is their right.

We have, Mr. Vice-President, to ensure that our democracy is not undermined, or subverted, or polluted, or contaminated. We have to protect that, protect our Parliament and protect our democracy. Mr. Vice-President, you and I would know that democracy's erosion takes place slowly and sometimes imperceptibly, and before you know it, as the former President of the Republic, who has now passed on to the great beyond, Arthur Napoleon Raymond Robinson, talked about streams developing into rivers, and rivers into seas, and seas into oceans. And therefore, we have a duty and a responsibility, in accordance with our Constitution to safeguard our Parliament and its future.

Mr. Vice-President, the Latimer House principles of 2003, in which our former Prime Minister, who has also passed on, Patrick Manning, signed on the dotted line, on the importance of maintaining an independent Legislature, an independent Parliament. Since 1999 in this Parliament efforts have been to restructure and reform the management arrangement governing our affairs in the Parliament. So this effort, Mr. Vice-President, at granting and providing our

Parliament with greater autonomy and independence has been in train for close to 20 years. But the democratic credentials of the PNM seem to be very weak when it comes to the issue of strengthening institutions like the Parliament. Because what would explain after 56 years of independence, it took another Government to reform and comprehensively review the Standing Orders in our both Houses of Parliament? What explains that? Because the PNM was in office for all these years, but they did not do anything about reforming our Standing Orders. They did not do anything about reforming our Standing Orders.

So, Mr. Vice-President, we had in our Standing Orders the concept and the term of Governor General, Her Majesty the Queen. We had outdated standing committees. We had no real supervision and oversight over these activities, that is, activities of the Executive arm of the State in its decisions and actions. So, what we have, Mr. Vice-President, is a situation today where Tobago—and I have the greatest respect for the people of Tobago, but Tobago has more power than the Parliament. Tobago has more power than the Parliament of the Republic of Trinidad and Tobago. Under the Bill that has established the Tobago House of Assembly, they have the power to hire their own staff in Tobago.

Of course, there is a relationship between the Public Service Commission and themselves. But they have the power to also be part of that process. And most importantly, Mr. Vice-President, they get their money in a block vote. What is the percentage? I think it is 4 per cent or 4.5 per cent of total budget is allocated towards Tobago. What percentage is given to the Parliament as an organ of State? As an independent organ of State, we should have a percentage too. In many democratic and civilized societies today, Parliament is allocated a certain percentage of the national budget, whether it is 1 per cent, 0.68 per cent, 0.90 per

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

cent, or 2 per cent, but it is given a certain portion of the national budget. But we are not given any portion. In fact, our Clerk who is the accounting officer has to traipse across to the Ministry of Finance and be interrogated by the technocrats in the Ministry as it relates to every item of expenditure that the Clerk is putting forward on behalf of the Parliament of the Republic of Trinidad and Tobago. Why should our Parliament be subjected to that kind of insult and humiliation by the Executive arm of the State?

So, Mr. Vice-President, I raise these initial points to draw to your attention the nature of the challenge that we face in this country. And it is against this background I am seeking to bring to your attention, Mr. Vice-President, a report. I want to tell you that we have a report from the UNDP, which is the United Nations Development Programme, and this was signed since 2011.

2.30 p.m.

We had a cooperation agreement, and that agreement, Mr. Vice-President, was to strengthen our Parliament. One of the outputs of this particular report had to do with greater parliamentary—2011, it is a cooperation agreement between the Parliament and the UNDP. And it was arising out of this cooperation agreement that we were able for the first time in 53 years to devise a strategic plan for the Parliament of the Republic of T&T. Parliament never had a strategic plan, 2013 to 2018. This particular agreement allowed the Parliament to get support from the UNDP to move towards greater parliamentary autonomy and independence.

Mr. Vice-President, a Bill was crafted and was tabled in the Parliament, known as the Houses of Parliament Service Authority Bill of 2014. At that time the Government, at that time in Opposition, participated in this project. It was Colm Imbert, now Minister of Finance, it was Marlene Mc Donald, now the junior

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

Minister or Minister in the Ministry of Public Administration and Communications, and at that material time, Camille Robinson-Regis who was a Senator in this Chamber that we are in right now, and they all participated with Government Members and Independent Senators, and they drew up a report. But because time rushed along it was not possible to conclude the work because you had to go to the people for a new mandate. But a report was tabled in the Parliament for whoever won the next election. It was the PNM. So they had a report on the Parliament table so that they can follow.

Mr. Vice-President, the PNM is halfway through their term. They only have two and a half years again before the people kick them out. Well, I should not say kick them out, democratically remove them. [*Desk thumping*] So, here it is, there is a report entitled, “A Legislative Proposal—The Houses of Parliament Service Authority Bill, 2014”. You know what is more important about this, Mr. Vice-President?—the reason why I have amended my Motion is because I discern a resistance on the part of the PNM to democratizing and strengthening the guardrails of our democracy.

Hon. Senator: You know that is not so.

Sen. W. Mark: No, no, I am saying that I have seen for two and a half years, no effort.

Mr. Vice-President, you have been here, like me, for this period. This is the third effort in almost three years to get this Government to support a Private Members’ Motion that would give the Parliament greater strength in terms of its democracy. And, Mr. Vice-President, when we talk about greater strength, you know that a stronger Parliament represents a richer democracy. If you have a strong Parliament you will have a richer democracy in its broadest context and

meaning. [*Desk thumping*].

Mr. Vice-President, do you know that in today's Parliament, in our modern Parliament in 2018, if any Member of our Parliament wishes to travel to any conference, to any part of this world, we have to get the permission of the Prime Minister and his Cabinet. When the Prime Minister or any Member of his Cabinet has to travel, do they come to the Parliament for permission? They do not. They take their decisions, unilaterally, at the level of the Executive, and they go on their frolic and their trips and whatever governmental responsibilities that they have to execute.

But, Mr. Vice-President, this is a charade. The Constitution says that the Parliament, the Legislature, is an independent organ of the State and it has equal rights as the Executive. So the Executive is no superior to us. In fact, the framers of the Constitution did a wonderful job by—as I said earlier, introducing the Montesquieu doctrine of the separation of powers, where they allowed this Executive to be accountable to the Legislature.

Now how can we explain, Mr. Vice-President, every move that you have to make in the Parliament needs the permission of the Government. Mr. Vice-President, you know what that tells you? I made the point earlier. We have not had in any serious way, apart from some instances that the Minister of Trade and Industry had referred to in a previous debate, that I cannot recall that we have had any major incidents where any Executive of any party has deliberately used their majority at the level of the Executive to stifle and stymie. There might be a little one or two instances here and there, but I would say in the majority of cases.

But this is not an issue of individuals, let us face—Mr. Vice-President, I hope this debate is not reduced to what happened to Sen. Paula Gopee-Scoon when

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

she was in another incarnation. This is not about petty issues. This is about the separation of powers and this is about giving the Parliament the kind of authority that the Constitution says it must have. This is “not no begging matter” you know, Mr. Vice-President. This is a matter that we are entitled to under our Constitution and the Government is violating the Constitution and by violating our Constitution they are undermining our democracy in Trinidad and Tobago. [*Desk thumping*] That is what the Government is doing.

And when we bring measures like these, the Government should embrace these measures. [*Desk thumping*] The Government should not be “iffing” and “butting” and toing and froing and getting up here to make contributions of a petty and infantile nature. You should make—when Government responds to our Motion it must be solidly based. We want to get, for instance, from the Government, when are they going to—first of all, we would like the Government to agree that on the Attorney General’s legislative agenda there is a Bill called the Houses of Parliament Authority Service Bill, 2014. That is on the Government’s legislative agenda.

All we are asking, Mr. Vice-President, in this particular Private Members’ Motion is for the Government to table that legislative measure or Bill within, let us say, 30, maybe under 60 days, and have that Bill referred immediately to a Joint Select Committee. So that that Joint Select Committee can meet and treat and consider and report within the shortest possible time frame. That is what this is about, Mr. Vice-President.

Mr. Vice-President, let me share with you some of the objects of the Bill that the Government has put on its legislative agenda and I am calling on the Government to honour its legislative agenda by bringing this Bill forward. This is

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

not a new Bill. This is a Bill that the Government has embraced. Mr. Vice-President, the objects of this Bill. It is:

“To ensure the autonomy of and to promote the efficiency of the Parliament of Trinidad and Tobago as established by the Constitution.”

So we are not saying anything outside of the Constitution. We are not asking for any favours outside of the Constitution. This is enshrined in the Constitution, that Parliament must be independent, that Parliament must be an independent organ of the State and therefore we are demanding that be done, Mr. Vice-President.

The second object, Mr. Vice-President, is:

“To establish an independent non-partisan Houses of Parliament Service Authority which shall be managed by a Board for the purpose of exercising and performing such duties as are conferred upon it by the Act resulting from the Bill or any other written law, and that is efficient and effective in serving the needs of the Parliament of the Republic of Trinidad and Tobago.”

Another object, Mr. Vice-President, is:

“To provide a legal framework for the effective and fair employment, management and leadership of the employees of the Authority; and
To establish rights and obligations of the employees of the Authority.”

These are some of the objects, Mr. Vice-President, of the Bill that we are asking the Government to refer to this Senate within 60 days or under.

So, Mr. Vice-President, when we talk and we speak to the issue of autonomy and independence, what are we talking about? We are talking about financial independence and autonomy. How is this financial autonomy and independence to be manifested? You know how that will be manifested, Mr. Vice-President?

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

Every year as the budget comes around, the Clerk of our Parliament who is the accounting officer will be able to draw up estimates of expenditure of our Parliament for the ensuing year.

Having drawn up those estimates, the Clerk will then have a meeting with all Members of Parliament from both Houses to get their input and their views and whatever modifications they want to bring to that document. Having gotten agreement, those estimates are tabled in the Parliament by the Leader of Government Business. It is debated by both Houses of Parliament, Members of both Houses of Parliament. It is agreed upon by all, the both Houses of Parliament. And if we estimate that to run the affairs of our Parliament for the ensuing financial year is \$250 million or \$300 million, once our Parliament agrees to that number, it goes to the Minister of Finance, and the Minister of Finance is directed by this Parliament to effect that. He cannot change a full stop, a comma or reduce it by a cent. [*Desk thumping*] That is when you talk about financial autonomy, Mr. Vice-President.

And you know, Mr. Vice-President, the reason for that? There is a commission under this legislation that is made up of the Speaker who chairs, Government, Opposition and Independent, and one of the key personalities we have sitting on that commission is the Minister of Finance. The Minister of Finance is a member of the Parliamentary Service Commission. So that that Minister of Finance is able to advise this commission, "Listen, we are in a recession, it is very difficult to go with that number that you are proposing; so instead of \$300 million I am proposing that we reduce it to about 275 or 250 as the case may be; and there is a little debate taking place there, among ourselves at that level, and there is an agreement". So when that is passed here it has the

UNREVISED

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

endorsement of the very Minister of Finance that the matter is going to. So he cannot really minus any cent from it because he has already endorsed it. And that is the democracy that we are talking about.

So, Mr. Vice President, what this does is to allow the Parliament not to go cap in hand to the Minister of Finance every year and beg and almost, you know, you have to go on your knees, virtually, to beg.

Hon. Senator: That is not true.

Sen. W. Mark: No, I am saying that that is what it transforms into.

Mr. Vice-President, do you know that we are treated as a government Ministry? Do you know that this Parliament is treated and has been reduced to the status of a government department, a government agency? So there is a 10 per cent cut. Although our budget might be \$100 million—and that is already cut, eh, before it went—we still have to cut by 9 per cent, and the Parliament has to cut in such a way, Mr. Vice President, that sometimes when we sit here, the Leader of Government Business will tell you, that rather than go to 11 o'clock in the night, he now wants to leave at 8.00. The reason for that, they do not have money to buy dinner because when they buy dinner it is not only for us here. They have to buy dinner for the police and the staff. So what the Government is doing is cutting corners in order to deal with their situation. But why should the Parliament be subject to the whims and fancies of the Government? We are an equal partner, Mr. Vice-President. The point I am making is that we are an equal partner in this matter.

So this is the question I raise about financial autonomy. We must have the power—and you see, Mr. Vice-President, I want us to understand a very fundamental conceptual difference between Government and Parliament. The

Government is not the Parliament. The Government is accountable to the Parliament. [*Desk thumping*] But, Mr. Vice-President, what has happened is that some of our colleagues on the Government Bench, they get confused with their roles. They do not understand that when they come to this Parliament they wear the hat of a legislator and therefore in doing that they must do everything in their power to protect the interest of the Legislature, because today they are in Government, tomorrow they are in Opposition. [*Desk thumping*] And you must secure the interest of the institution.

Mr. Vice-President, we must secure the institution's interest. That is what we have to deal with. But the Government is not concerned about that. And that is why democratic norms that have been formed for hundreds of years can be simply thrown out of the window because what our colleagues do not understand is that institutions that are loaned to them in trust is only for a temporary period. They hold these institutions under their care for a temporary period. It is not power at all costs. It is not power by any means necessary. We do not live in a dictatorship and there must only be one group in office. That is not how a democracy works. It is them today and we tomorrow and vice versa. And that is how a democracy works. And you do not use institutions, democratic institutions as weapons against people or what you consider to be your enemies.

Mr. Vice-President, I was shocked when I read in the papers, sometime ago, where leading government officials—not in this House, in another House—described Members of Parliament who are not in favour or who are not in the Government as terrorists. We in the Opposition were described by a leading government official as terrorists. They put us in the same level like Bin Laden. That is the extent to which the whole democratic unwritten constitutional norms

have broken down in the country.

The hon. Leader of Government Business and I, we would have our differences, Mr. Vice-President, because that is what this thing is about, but I do not see him—the hon. Minister, that is—as my enemy. I see him as a legitimate rival. That is how I see him, as a legitimate rival. But to describe the Members of the Opposition as terrorists, Mr. Vice-President, that is inexcusable, indefensible, unpardonable. And that came from the lips of a leading member of the Government of Trinidad and Tobago. And up to now there has been no apologies from the Prime Minister of this country to this particular insinuation and outright attack against the Opposition.

I say all these things to tell you, Mr. Vice-President, that the guardrails of democracy—I have to use that over and over, and the reason for that, if you do not have strong guardrails our democracy could easily be eroded. And when democratic norms are eroded, violated or breached, Mr. Vice-President, you go back to ANR Robinson's famous words: streams develop into rivers and rivers into seas and seas into oceans. And before you know it we have a full-fledged dictatorship in our country. That is how dictators arise.

Hon. Senator: You should know.

Sen W. Mark: I am not a dictator, I am a democrat. [*Desk thumping*]

I think, Mr. Vice-President, with the greatest respect, if I were ever to be given the opportunity by the leader of my party, when we win the next election, [*Desk thumping*] to serve in the capacity of Speaker, I want to give you the undertaking, because you would not be here, but I want to give the hon. Vice-President the undertaking—and that does not mean anything in a negative way, Sir—it is just to say you just would not be here. [*Laughter*]

But I want to tell you, Mr. Vice-President, that I want to give this Parliament and the people of the Republic of Trinidad and Tobago the undertaking that we will bring about parliamentary independence for the Parliament of Trinidad and Tobago. [*Desk thumping*] If the Government does not want to bring about parliamentary independence, it will take a UNC Government and its allies to bring about that kind of independence for the Parliament of the Republic of T&T. I want to give you that undertaking if I ever get that opportunity again.

Mr. Vice-President, let me just indicate something as well. [*Crosstalk*] Mr. Vice-President, when we talk about parliamentary autonomy, or what is called functional autonomy, we are not just talking about, as I said, financial independence, Sir. We are also talking about administrative autonomy and administrative independence.

Mr. Vice-President, you know—[*Interruption*]—you may not be aware, but Trinidad and Tobago, I dare say, and maybe with Jamaica and maybe Barbados, we remain one of the most dynamic Parliaments in the whole of the Caribbean, you know. Mr. Vice-President, do you know that the Mace that is under the guard of the Marshal of this Parliament, through the offices of the Speaker and the President, respectively, you know in some jurisdictions in the Caribbean the Mace is under the lock and key of the Attorney General? The Attorney General of countries in the region own the Mace. That is the fragility of democracies in the Caribbean today.

And the Order Paper, Mr. Vice-President, is prepared and directed by the Prime Minister. [*Interruption*] No, I am saying that we are lucky so far, we are lucky because, you know why, this Opposition and when you were in Opposition, Sen. The Hon. Paula Gopee-Scoon, you will not let us get away with anything.

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

And you know why? Your role was to make sure that you became the watchdogs of our democracy and anytime you realized that the Government was derailing the process or doing anything to undermine the process, the hon. Senator was on her legs with Motion after Motion after Motion, public meetings, press conferences, to do what—keep the Government in check, so that we do not derail. That is the role of an Opposition. And that is why we are here today. We are here to ensure—*[Interruption]*—no, you see, that is your problem, you do not understand that the only thing that does not change is a dead man.

Mr. Vice-President: Senator, you have five minutes.

Sen. W. Mark: Yes, Sir. The only institution that does not undergo change is a dead person. And the only dynamic in life that is constantly facing us is change. So I want to tell my friend whose ambition, unfortunately, is to be there forever, that and all is not possible. *[Desk thumping]* Life as you know, Mr. Vice-President, is temporary. Life is temporary. Even life is temporary. *[Interruption]* So to talk about you being seated there forever is really, you know, not being able to face the reality. *[Crosstalk]*

So, Mr. Vice-President, I want to indicate to you and to my colleagues that it is important that we do everything in our power to safeguard our institutions and I believe that when we get warning signals we have to be very, very, mindful of those warning signals. What we have seen with the Government over the last three years, or almost, is what I call, the veneer of democracy and the evisceration of its substance. That is what I have witnessed over the last three years, and it is all about “gallerying”.

But I want to tell you, Mr. Vice-President, if you do not have a vigilant Opposition that is fearless, that will look the Government in the eyes, including the

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Mark (cont'd)

2018.03.06

Prime Minister and tell him where to get off, I want to tell you, Mr. Vice-President, we are heading for an autocracy and an authoritarian state. That is where we are heading. And I want to tell you like Gandhi, we are not fearful for life because we know life is temporary, but I want to tell you, Mr. Vice-President, I may detest what you say, but, so help my God, I will fight to the death to ensure you have the right to say it. And nobody will muzzle or undermine or do anything to sabotage our ability to speak on behalf of the people of the Republic of Trinidad and Tobago. [*Desk thumping*] I am not saying that has been attempted but I am saying it will not be permitted.

3.00 p.m.

So, it is clear, Mr. Vice-President, in closing, that governments will use all kinds of measures in order to consolidate power and to assault democratic institutions. Even security crises can be used conveniently as a cover to consolidate power and to assault democratic institutions. So we have to be very mindful that we remain forever vigilant in this order. And in closing, I would hope that it would not take another UNC Government and its allies to strengthen and to ensure that there is a parliamentary system in which its institutions are independent and autonomous, both from a financial, administrative, and institutional perspective. I hope we do not have to wait until we return to address this wrong, after 56 years of independence.

Mr. Vice-President, with these few words, for the third consecutive time in three years, I beg to move. [*Desk thumping*]

Mr. Vice-President: Sen. Ameen.

Sen. Khadijah Ameen: Thank you, Mr. Vice-President. I only stand to second the Motion, as amended—the amended Motion—and I reserve my time to speak

later in the debate.

Question proposed.

The Minister of Labour and Small and Micro Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you very much, Mr. Vice-President, for the opportunity to contribute on this important issue of financial and administrative autonomy of the Parliament of Trinidad and Tobago. I smile as I recall my very passionate and robust colleague's presentation a short while ago. And before I share my perspective with this honourable House, I would just like to respond to one or two of the issues that he raised, and I will start where he left off, where he spoke about this Government operating with a veneer of democracy. I want to seize the opportunity to remind my goodly colleague that it was the People's National Movement that built every single institution of democracy in Trinidad and Tobago. [*Desk thumping*]*—*every single one. I dare him to call one institution that the UNC has built in this country.

Secondly, my good friend—and he would have made a great actor—spoke about this Parliament coming on hands and knees and begging this Government for funding. I also want to remind him—my friend on the other side—that every single one of us, as Government Ministers, are required to face the grilling of the Opposition with regard to the allocations to our various Ministries. It is not unusual for the Opposition to have Government Ministers, three, four and five hours. So that it seems, therefore, that my friend suffers from selective amnesia.

I also want to remind my friend that he accuses this Government of suppressing, and he quoted foreign travel for Members of Parliament. But he must remember, when he and his government were in office, they did worse. And you know what? A guilty conscience is a very good thing for all of us because he

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

remembered my colleague, Paula Gopee-Scoon, whose suitcases were packed and ready, almost on the way to the airport, when the former Prime Minister, Kamla Persad-Bissessar, said “she not going a place”, and that was it. That was it. But you see, my friends on the other side suffer from selective amnesia.

Mr. Vice-President, there are other responses that I could give to Sen. Mark, but my contribution takes priority at this time. If at the end of my contribution I have more time, I shall respond to him.

The basis of parliamentary autonomy is the doctrine of the separation of powers which runs like a thread throughout the Constitution of this great country called Trinidad and Tobago and which is fundamental to the organization of any state.

The principle of parliamentary autonomy is formally recognized in our Constitution and it is illustrated by the organization of three organs of the State: the Executive, comprised of the President as Head of State; the Prime Minister as head of Government and the Cabinet, the Legislature comprised of the bicameral Parliament, and the Judiciary comprised of the Chief Justice and the law courts. These three organs correspond to the vital and most basic governance functions, namely, the formulation and execution of policy, the making, amending and repealing of laws—we do that right here—and the adjudication of conflicts between states, institutions, between the State and individuals and between individuals and the State.

Mr. Vice-President, a 1998 Report of the Association of Secretary Generals of Parliament entitled “The Administrative and Financial Autonomy of Parliamentary Assemblies”, defines parliamentary autonomy as, and I quote.

“...on the one hand nondependence and non-subordination of Assemblies in

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

relation to the Executive, and, on the other, the possibility of the Assembly freeing itself at least partially from the rules of ordinary law so as to follow instead its own regulations.”

Several variations exist in the principle of parliamentary autonomy, however a common characteristic of all variation is that parliamentary autonomy does not preclude cooperation with the Executive, as the separation of powers among the three organs of State is a flexible separation, or separation cooperation. Parliamentary autonomy is a functional autonomy which aims to allow Parliament to freely exercise the competence with which it is invested by the Constitution.

As stated in the 1998 Report of the Association of Secretary Generals of Parliament, parliamentary autonomy manifests itself in the possibility of Parliament determining its form of organization and its procedures, electing its own bodies, in particular its committees; being convoked by its own President or Speaker, and above all, deciding its own rules, as we have done.

Mr. Vice-President, achieving good governance within a democracy requires the existence of a strong, effective and efficient Parliament. Parliament plays a crucial role in gauging, collating and presenting the views and the needs, and the aspirations of the electorate. Parliament also articulates the people’s expectations, particularly when it comes to determining the national agenda. Parliament, as an oversight body, helps to identify problems and policy challenges that require attention and assists in overcoming bureaucratic inertia.

Mr. Vice-President, democracy is not served by a weak or ineffective Legislature. All of us in this honourable House will agree to that. A 2006 comparative survey of democratization in post-communist states concluded that it was not so much the type of constitutional system, whether presidential,

Parliamentary Autonomy
 (Introduction of Legislation) (cont'd)
 Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

semi-presidential or parliamentary, that determines the level and quality of a country's democratization, but the power and the effectiveness of its legislature. This is because stronger legislatures serve as a weightier check on executives and provide a stronger stimulus to party building. The survey concluded, and I quote, that:

“The strength of the national legislature may be a—or even the—
 institutional key to democratization,…”

And it further recommended that:

“In policies with weak legislatures, democrats should make constitutional reform to strengthen the legislature a top priority.”

Mr. Vice-President, in addition, the World Bank Institute, in its 2005 Paper entitled: “The Role of Parliament in Government”, notes a correlation between increases in parliamentary autonomy and parliamentary effectiveness which, as stated earlier, is a requisite of achieving good governance within a democracy.

Mr. Vice-President, the Inter-Parliamentary Union's Guide to good practice on Parliament and democracy in the 21st Century, states that:

“Implementing the principle of autonomy, in practice involves a number of different aspects…”—namely:

- “parliamentary responsibility for its own staffing;
- control over its own budget;”—and
- “organization of its own business.

As to the first of these”—that is, administrative autonomy—“submissions”—received by the inter-parliamentary union—“from the Indian and Canadian Parliaments respectively, underline the importance of parliamentary staff being independent of the central public or civil service:”

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

Submissions from the Indian State stated as follows, and I quote:

“To effectively carry out its functions within the framework of the separation of powers it is essential that Parliament should have an independent Secretariat. With the underlying objective of ensuring the concept of executive and administrative accountability to Parliament, separate and independent Secretariats for the two Houses of Parliament have been provided for in Article 98 of the Constitution of India.”

Similarly, submissions from Canada state, and I quote:

“A Parliament’s effectiveness is in large measure a reflection of the mechanisms and resources that ensure its independence and autonomy. The operational independence of the Canadian Parliament is provided for in the Constitution and by legislation that guarantees that the Senate, the House of Commons and the Library of Parliament each have access to a nonpartisan professional staff distinct from the public service...”

We have that here, Mr. Vice-President.

“While public servants in the bureaucracy may move from one department to another through the course of their careers, parliamentary staff tend to make their career serving Parliament in their respective institution.”

Mr. Vice-President, it is also noted that:

“This model of a professional parliamentary service with its own organisation and career structure is now becoming widely accepted in parliamentary and presidential systems alike. It recognises that serving parliament is a distinctive activity...”

Currently, Parliament staff is appointed by the Public Service Commission in Trinidad and Tobago and contract officers are approved by the Chief Personnel

Parliamentary Autonomy
 (Introduction of Legislation) (cont'd)
 Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

Officer and employed under the hands of the various permanent secretaries.

It is appreciated that public officers are frequently re-assigned within government institutions and there is no tenure for contract officers which results in a loss of institutional knowledge. This is an issue which will have to be addressed. We, in the Ministry of Labour and Small Enterprise Development, we have already started to address this issue by un-suppressing certain public service positions, to appoint those persons who now occupy contract positions.

But, Mr. Vice-President, the Inter-Parliamentary Union's Guide states that:

“A second aspect of a...”—parliamentary autonomy—“is control over its own budget...”

—that is, financial autonomy. This feature was:

“emphasized in a statement of principles on parliament-executive relations made at an...”—Inter-Parliamentary Union—“regional seminar...”—in 2001—“on parliament and the budgetary process...”

—where it was stated that, and I quote:

“In accordance with the fundamental principle of the separation of powers, the internal budget of the Parliament should be drawn up under the sole responsibility of the House, and subsequently presented to the Executive to be incorporated into the national budget. The Executive is not to judge the appropriateness of the resources requested by Parliament to carry out its functions.”

Mr. Vice-President, the role of parliaments in budgetary approval varies widely as some parliaments are powerful players in shaping their budgets, while others are more constrained. It is appreciated that the electorate will not be served well if parliament does not have sufficient resources to carry out its function. Therefore,

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

parliament must have the authority to manage its own approved budgetary appropriations.

The Inter-Parliamentary Union's Guide states that:

“Equally relevant to a parliament's autonomy is control over its own business, and over the allocation of time between different types of business and between different parliamentary groups.”

The guide further states that:

“In the traditional Westminster parliamentary system, business was typically organized through informal arrangements between the Leader of the House”—which invariably is—“(a Cabinet Minister) and opposition leaders and their whips. Such arrangements are now increasingly being formalised through a parliamentary business committee, on which all political groups are represented, and which is chaired by the Assembly President or Speaker.”

Mr. Vice-President, from the foregoing it is very apparent that functional autonomy relates to financial, institutional and administrative autonomy. While the merits of parliamentary autonomy cannot be denied, this is not an issue that should be rushed to a joint select committee, as recommended by my friend on the other side, because as the Association of Secretary Generals of Parliament noted, among parliaments there are several variations of the principle of parliamentary autonomy. Therefore, extensive and detailed discussions are required before a determination is made on a particular variation which is best suited and tailored of us here in Trinidad and Tobago.

In the People's National Movement Manifesto of 2015, which was approved by Cabinet as the official Government policy, we spoke of our commitment to

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

parliamentary autonomy. In particular, we committed to financial autonomy, not only for this Parliament, but also for the Judiciary of this country. Our Manifesto, which is now our official policy, specifically states on page 20, as follows: The PNM's commitment to:

“Providing the Judiciary and Parliament with the authority to manage their approved appropriations including instituting their own procurement for goods, services, and capital expenditure consistent with the overarching procurement legislation and accountability to Parliament.”

Mr. Vice-President, financial autonomy is only one aspect of functional autonomy. The Manifesto does not speak to the other aspect of functional autonomy for Parliament, namely administrative and institutional autonomy. Additionally, to be pellucidly clear, the Manifesto does not state that Parliament will have unfettered budgetary powers and not be subject to scrutiny because of our financial constraints.

But I spoke about good governance earlier and would add at this juncture that the United Nations Development Programme has identified accountability and transparency as one of the five principles of good governance. The Inter-Parliamentary Union has stated that autonomy does not preclude cooperation with the Executive and has recognized that sheer obstructionism rarely serves the electorate and democracy.

Mr. Vice-President, the People's National Movement Manifesto speaks to providing the Judiciary and the Parliament with the authority to manage the approved appropriations. Therefore, there is the possibility that Parliament may not be receiving everything for which it requests, given our financial constraints. Therefore financial autonomy plays a key role in this administration's institutional

Parliamentary Autonomy
 (Introduction of Legislation) (cont'd)
 Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

transformation initiative with the objective of increasing efficiency. Therefore as stated on page 74 of the Government's Vision 2030, National Development Strategy, it is recognized that, and I quote:

“...independent institutions such as the Auditor General, the Judiciary and the Director of Public Prosecutions need greater financial autonomy and strengthening to continue to discharge their mandates effectively. A key action therefore is for the budget of these institutions to become a direct charge on the Consolidated Fund so that regardless of circumstances, these institutions are properly resourced to discharge their mandates.”

Mr. Vice-President, it is to be noted, in addition to committing to financial autonomy for both the Judiciary and this Parliament, this Administration has made a commitment to autonomy in other areas as well. For example, to amend the Municipal Corporations Act to give local government corporations a level of autonomy and executive authority similar to what is now enjoyed by the Tobago House of Assembly. Additionally, as stated on page 71 of our Manifesto, and I quote:

“The PNM believes that Tobagonians must be primarily responsible for the growth and development of the island of Tobago and its people. We do not support interference from the Central Government in the management of Tobago affairs...

We have thus created and operationalised”—within our political context—“the Tobago Council of the PNM as an integral part of the People's National Movement. That council has full”—authority—“under the PNM's Constitution to administer the political affairs of Tobago...”

We understand what autonomy means.

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

As I look towards closing my contribution, I just want to make one or two additional points. The Motion speaks to not even a three-month time frame. The Motion speaks to less than 60 days. It speaks to April 30, 2018. That time frame within the context of a joint select committee will be required to consider and report on the legislative formula for parliamentary autonomy.

Mr. Vice-President, it is appreciated that the Houses of Parliament Service Authority Bill has been drafted and is listed to be addressed on the national legislative agenda for the median period 2017 to 2019. Therefore, it is my considered view, this is not an issue that can be adeptly addressed within a two-month time frame, given the various permutations to the implementation of the principle of parliamentary autonomy and the considerable impact of any determination we would make. This is not an issue to be rushed.

I reiterate that while there is a commitment on the Government's part to parliamentary autonomy, this is not an issue to be dealt with, with haste. And I remember the old people saying, "Hurry bird doh built good nest". We are currently at the beginning of 2018, so there is still time left for much discussion, much consultation. There is wisdom in approaching this issue with caution so that we get it right.

The Commonwealth Parliamentary Association, in its 2005 Paper entitled: "The Administration of Financing of Parliament", in speaking about financial autonomy for Parliament, cautioned and I quote:

"The drive for independence should not be seen as an aggressive action, but a necessary prerequisite to good parliamentary governance. Also operational autonomy should not act as a barrier to the fostering of good relations with the executive, which is essential if legislation and public

sector policies are to be fit for purpose.”

The Commonwealth Parliamentary Association further states that:

There are several models which may be adopted in implementing financial autonomy and cautions that whatever funding model applies, there is an expectation that Parliament would adhere to the highest standards of accountability.

Mr. Vice-President, although there is a trend in moving towards corporate management structures across Commonwealth Parliaments, what the Houses of Parliament Service Authority Bill seeks to implement is a substantial change to an institutional establishment that has been in existence since Friday, December 29, 1961, when the House of Representatives and the Senate sat for the first time in the history of the Parliament of Trinidad and Tobago. We are speaking about changing the organizational structure, systems and procedures of Parliament by the establishment of a new Houses of Parliament Service Authority.

This change impacts both human resources, including the job status of the Parliament staff, as well as the economy as financial resources will need to be allocated to this new venture. Additionally, a substantial change to an institutional establishment that has become part of our national identity, may not be well received by the wider population for various reasons. Perhaps due to fear, due to mistrust or scepticism, and there is the possibility that some degree of change management and sensitization may be required before putting new systems and structures into place.

Mr. Vice-President, to maintain political peace, as well as industrial peace, and establish and maintain right relationships with our various stakeholders, including the most important stakeholders, the electorate of Trinidad and Tobago,

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. The Hon. J. Baptiste-Primus (cont'd)

2018.03.06

it is very important, it is vital, that we, as change agents, carefully consider and examine how we engage in this decision-making process.

Political peace can only be achieved through democratic and consent decision-making with transparency and inclusion, and this is what is required in this instance, Mr. Vice-President, given the gravity of the issue of parliamentary autonomy.

3.30 p.m.

Mr. Vice-President, while the foundation of this Motion is a commendable one, we on the Government Benches, we are of the view that a joint select committee will not serve the purpose, and the time frame that has been established by my friend on the other side is not a very realistic time frame. And, therefore, we urge our friends on the other side, this is an issue on the agenda for attention, and therefore, Mr. Vice-President, we on the Government Bench give the nation the full guarantee that whatever is placed in the manifesto of the People's National Movement, we shall adhere to those assurances. I thank you, Mr. Vice-President.
[Desk thumping]

Mr. Vice-President: Sen. Small.

Sen. David Small: Thank you very much, Mr. Vice-President, for allowing me to join in this very spirited debate. Mr. Vice-President, if you would permit me at the beginning to deviate briefly from my prepared topic to say a few words to our stricken colleague, Sen. Avinash Singh. I have the pleasure of knowing Sen. Singh in these hollowed halls just over four years and it is the metal of the man that I believe he is very well liked and respected. I and Members of our Bench, given that I am the first person to have the privilege to speak today, join with his family and his friends in extending to him our hopes and prayers for a full and complete

recovery and we look forward to his return to service. [*Desk thumping*]

Mr. Vice-President, if you would permit me, by your leave there is something that is called International Women's Day. It is being celebrated on Thursday, March 08th, and I think that when you look at this celebration this was first celebrated in 1911, 107 years later. The original aim of International Women's Day was to achieve gender equality for women and it is my unfortunate task now to report that this has not yet been fully achieved, but there has been progress. Trinidad and Tobago will shortly hold a description that may be unimaginable in many countries. In just about two weeks' time our blessed country will have the Office of President, and that of the two Presiding Officers of our bicameral Parliament being simultaneously held by women. [*Desk thumping*]
And as I close on this short greeting, as we extend greetings to all of the women in our society, I want to say thanks to all of the women who have made, and those who will make sterling contributions to the development of our country. As I close my comments on this, I ask every one of us, Mr. Vice-President, to come together to protect and nurture our girls and our young women and truly empower them so that they can maximize their potential and bring further greatness to our country. [*Desk thumping*]

Mr. Vice-President, I thank you for your forbearance as I made those introductory remarks, but I felt that those were important statements to make and I appreciate your forbearance with me. So I rush to the matter at hand. I have listened with interest to the mover of the Motion, and I have listened with even greater interest to the first responder from Government, and I think that almost everything that I have heard so far supports parliamentary autonomy and sometimes this is the problem. Everyone says they want to do something, but

nobody wants to actually get in there and do it and I am saying we have to start.

Trinidad and Tobago is a relatively young democracy, but we have the advantage of learning from the experiences of longer tenured Parliaments than ours in how they run their systems. When you look back at their history, I think the hon. Minister of Labour and Small Enterprise Development mentioned that we had our first Parliament sitting in 1961, and given how things were structured at that time, we were a colonial country coming out and going into independence. I could probably understand why it may have been seen as operationally prudent to have the Parliament operate in an effective way, than a non-autonomous manner. However, 50 year plus on I would like to suggest respectively that the paradigm has shifted.

Parliamentary autonomy is now the preferred style of engagement in a large and growing pool of democratic nations and, Mr. Vice-President, in the same way that changes in the environment are forcing the Government to bring legislation that directly contravenes some entrenched private information rights in order for us to remain economically relevant and connected to the world, so too changes in the way in which Parliament should operate are here, and for once we have the opportunity to be in front of it rather than trying to play catch up. We always seem to be playing catch up. Things are on us, and things come here, and if you do not do it there are dire consequences. Why? Because if you look back at the history of it— I sat at a meeting last week organized by the hon. Minister of Finance and when he asked the persons about this thing called the wonderful global forum— when did they first come to Trinidad and Tobago about this? It is eight years now. We have the opportunity to be in front of things, but for all various sorts of reasons and now we are running up into a deadline. I am saying we have a chance to be in

front of something, we should take it, and even if we understand that, yes, it represents likely going through a radical and dramatic change and that steps are required to have consultations and try to understand what is the best model, I agree with that.

I think that changing the parliamentary system from what it is, is a radical change from what we have. There is no argument there. But if we are always to use the argument that now is not the right time, or it must not be rushed—Mr. Vice-President, as you would be aware I am a Senator without portfolio. I am not a legislator in this Parliament because on—I am not a legislator. I have looked, I have been written to by this august building and I have letters, I am not a legislator. I am a Senator without portfolio, so I am just making up numbers here today. That is just my profile in here because the last time someone raised an issue—I think it was Sen. Mahabir—we were told it was not the right time for all good reasons. Not that the reasons were bad, they were good reasons, and my argument is that lots of things will come up and you will always find a reason to say, “Well we should not do it now. We do not argue with the concept. We like the concept, but it is not the right time.” When will be the right time? These things have history. These things go back a long time.

Mr. Vice-President, parliamentary autonomy can be defined as a non-dependence and the non-subordination of the Parliament in relation to the Executive. First of all, I posit that the principle of autonomy of the Parliament is formally founded in our Constitution. This recognition is found in the actual organization of the three powers described in the Constitution. It is this separation of power, in particular, in relation to the Executive which is the basis for the autonomy of Parliament. In Trinidad and Tobago, these branches as outlined by

earlier speakers are defined as the Legislative, the Executive and the Judiciary. Chapter 4, Part I of our Constitution on the Composition of Parliament states that the Parliament must consist of the President, the Senate and the House of Representatives. Mr. Vice-President, I want to just digress briefly there.

Often, you run into people and they do not understand that the Parliament is comprised of the President, the Senate and the House of Representatives. People do not understand what the Parliament is in our country, and I often always have to go through and explain that the Parliament system is comprised of the President, the Senate and the House of Representatives. Those of us who are present here understand that, but I will share with you there are a lot of people out there who have no—their concept of the Parliament is elected MPs. That is it. They do not understand that this whole system is the Parliament—forgive me. But the Parliament, given the Constitution, has delegated responsibilities and is given special powers and privileges in order for it to be functionally effective. Section 75(1) of Chapter 5 of our Republican Constitution reads as follows and I quote:

“There shall be a Cabinet for Trinidad and Tobago which shall have...general direction and control of the Government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament.”

Those are powerful words. The reality of the operation tends to be slightly different, but you read it and if you read it in plain English, the Cabinet shall be collectively responsible to Parliament. So we say okay, good, but operationally it is not like that and there are several reasons why.

The issue, Mr. Vice-President, is that, as outlined by the mover of the Motion, there are challenges in the way in which the Parliament is actually operating in a way in which it would appear to an untrained eye or to an eye

looking at it from askance, that is the reverse. Rather than the Cabinet being responsible to the Parliament, it is the other way around because the purse strings are being controlled by the Cabinet, and this is not something that happened last week. Let us be clear, it has always been like that. This is not a blame game of any particular administration. It has always been like that. The issue is that no one has ever decided that listen, we are going to tackle this and try to see how we could fix this. Now, whether or not anyone wants to fix it, the will to fix it that is a whole different issue.

So, Mr. Vice-President, as outlined by the mover—you know if the Parliament wants to send persons on a—We are members of several inter-parliamentary organizations, all varied. I had the privileged of serving on one of those committees and I realized the volume of international parliamentary institutions that we are linked to, and if Parliament wants to send one of its staff to one of these meetings in Colombia, or wherever, it has to get a Cabinet approval and I struggle to understand that. I understand that is how the history is, but I think about the executive time of someone having to explain that a member of staff at the Parliament has to go to do training in parliamentary procedures and that is a matter for the consideration of the Cabinet? I just do not—that is not the best use of executive time from where I sit because I am saying that should have been devolved and allowed that to run, but it is not so. If the Parliament wants to hire a new staff on contract, again it is the same process. Everything has to run up a chain, and I am saying that is how it has always been and I think that the Motion is well intentioned.

I have challenges around the time frame, but I believe that I am working with the spirit of it. I think that if we want to have a Parliament that is truly

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Small (cont'd)

2018.03.06

autonomous—if we are saying that—I think we could start the process now, and if the process is not this process as outlined in the Motion and there is a process that the Government has in mind, I would love to hear what that process is. When is the start date? That is what I would like to hear. So that if the Government is minded that, okay, this ropes us into a tight schedule and we do not necessarily agree with all of these things but we have a plan, please elucidate. Share with us so that we could understand what the plan is, if it is something that you really want to do.

Mr. Vice-President, parliamentary autonomy has a purpose, and it is to allow the Parliament to freely exercise the competence with which it is invested in the Constitution. This should be a functional autonomy which manifests itself in the possibility of the Parliament, solely determining all of its administrative and financial requirements such as its form, organizational structure, its operational procedures, its annual operating budget, and so on. I think that this is where we always have to understand where things are.

Mr. Vice-President, you know I do not want to repeat what was said by the mover of the Motion, also by the hon. Minister of Labour and Small Enterprise Development, that you have staff here at the Parliament and they are part of the general services, so you have to wait on the DPA to get staff assigned and then, of course, you have the related issue if someone is working in the Parliament and then they have a potential to act in a different position, they leave the Parliament or they get promoted and they go elsewhere. There was someone here who was a very senior member of the Senate support staff and is now acting as a Deputy PS and I have no problem with people wanting to move on, but what you do it causes a disruption to the Parliament's system. It causes a disruption and I think that the

whole issue of Parliament having to wait for CPO to get approval—

I mean, I have had the experience in my former life. You know, you hire people on contract and you pay them what is called an interim salary. Unless you decided to pay the person \$10,000 a month and then the CPO writes you six months later and they say no that job is only worth seven, then it starts to become a scramble. Having had to deal with that personally on more than one occasion, when someone is sitting in the CPO making a determination and you went and you have spoken with them, but they look at it and they have a completely different look at it. Those are the types of dramas that you try to figure out, why should the Parliament have to deal with that? Because the Parliament is a unique creature in our system? We have to accept that. If we do not want to accept that Parliament is unique, then well okay. Let us say that the Parliament is not unique, it does not mean anything, it is just a normal run of the mill administration. Yeah?

Related to this, Mr. Vice-President, is the fact that that structure reduces the ability of the Parliament to attract the type of staff and skills that it requires as it deems necessary to fulfil all of its functions, because you have someone in CPO determining that for the contracted staff and I am one of those. We already have a structure called the THA where they get their money by a particular—and they get a block vote. Give the Parliament its money. Rather than having to go every month, every quarter for releases, and then when you ask for the releases you never get all of your releases. I understand we have straitened circumstances now, but from before, all along in the history of our Parliament that has been the situation.

I think that the net effect, Mr. Vice-President, is that given all of the similarities in its operations, the Parliament is actually a *de facto* government Ministry, masquerading and carrying the title of the Parliament. The similarities

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Small (cont'd)

2018.03.06

between a standard Ministry and the Parliament far outweigh the differences except, except, for the very mighty and weighty inclusion of the latter being quoted and stated in our Constitution, and that is what sets the Parliament apart because it is a creature of our Constitution and that alone should be the basis to say, hey, we should be looking at this differently. We should apply some different rules. As per my normal approach, Mr. Vice-President, I believe that we have to tackle the thing with some logic. Let us get some bases right. If we are of the view that the Parliament is just like a standard Ministry and should be treated like that, say so and let us move on. I will gladly sit down and not continue. But if we really want parliamentary autonomy then we recognize that the Parliament is a unique institution, it has to get a different treatment. It simply has to.

Now I understand the challenge, because what happens in the central system is that we like to group things. The same way that the SRC would just look at everybody and then apply 5 per cent across the board because they feel everybody is working for the State and you are working on State pittance and let us apply a—no science. No science to their previous approaches. I am looking forward to seeing what their new approach is going to be, but their previous approaches have been no science. That is why as I said, Mr. Vice-President, I am not a legislator in this Parliament. I am a Senator without portfolio. I am just making up numbers here. So I am just saying a few words here and I am detaining most of us from having a teatime because I am not a legislator. Look at the SRC, I am not a legislator. I am not. I sit here and I sometimes vote, but I am not a legislator. It is interesting.

Mr. Vice-President, as mentioned by both of the previous speakers there is something called the Association of Secretaries General of Parliaments, and it is

Parliamentary Autonomy
 (Introduction of Legislation) (cont'd)
 Sen. Small (cont'd)

2018.03.06

interesting that this organization first met in 1939 and is constituted as a consultative body of the Inter-Parliamentary Union of which Trinidad and Tobago is a longstanding member. There was a report prepared by Mr. Michel Couderc—C-O-U-D-E-R-C—of France, based on the analysis of parliamentary systems of 52 countries. It is an old report, 30 years old, September 1988, and the report was on “The administrative and financial autonomy of parliamentary assemblies”, and one of the things inside of that report if you would permit me to quote, he said that:

One—“way in which to appraise the extent of parliamentary autonomy is to measure the protection enjoyed by assemblies and their members in three particularly sensitive areas: security, social protection and...remuneration of members of parliament...”

On the issue of security it is very interesting. I read the document and a lot of it may not work for us, but it is interesting to understand what someone sitting in the Inter-Parliamentary Union, sit in this organization, sends out a questionnaire survey to members, you get responses from 52 countries—and I mean, I should probably tell people the countries before I go into the findings because it is just interesting. This is not any ragtag. You know as people like to say sometimes you come up with a list of things and you try to figure out, but the countries included in that study responded were: Australia, Belgium, Canada, Denmark, Egypt, European Parliament, Finland, France, Germany, Greece, Hungary, India, Indonesia Island, and so on, Kenya, United Kingdom, Netherlands, Norway, Philippines, all significant countries. All significant countries.

He said under security and I quote:

“The most elementary condition for the freedom of debate of an assembly”—or a Parliament—“is the security of its members and as a

consequence the protection of its premises. It can be presumed that the more those responsible for security are dependent on the parliamentary authorities, the greater will be the autonomy of Parliament and the more”—its—“security”—would—“be ensured.”

I understand this point he raised because security is an issue now in a lot of other countries, and in some countries that he noted in his report that the police are not allowed to come into the Parliament without the expressed written approval of the Clerk of the Parliament because they have their own security arrangements. If the police have to come into the building they have to get written permission. They cannot just turn up. So it is just interesting, but I want to get to some of the more exciting stuff. He said that regarding social protection of members, he said that in many assemblies the benefit members of parliament benefit from general arrangements for retirement and sickness insurance, and these are designated and arranged by the Parliament. It does not mean that the existence of the thing means that the Parliament runs it, but the Parliament is in charge of providing for it, and if they have to engage a service provider; our current structure I am not even sure what exists and that is the hold within the realm of the SRC so I do not want to get into trouble with the SRC given that they have a zero track record.

On remuneration and salaries, this is really the interesting part. He says based on his result:

“The determination of remuneration and salaries by the assemblies themselves accounts for almost...”—all of the responding countries.

On this, almost all the countries allow the legislator to be directly involved in the determination of his main salary.

This is 1998. This is an issue that came up in other debates, that people have

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Small (cont'd)

2018.03.06

the view that well if you are working in a place you should not be able to determine your salary. I have argued vociferously against that position, but I am only one voice and given that I am not a legislator, no one took me on so I accepted defeat, but we have to get over that hump. It is not unusual. In fact, it is more the norm that in terms of the Parliament being a special creature of the Constitution, in most countries there is a special treatment for the way in which remuneration is treated with and the legislators have to be involved. They have to have a say. It cannot be by somebody sitting somewhere in a room, doing nothing, looking at whatever they are looking at and applying random numbers to parliamentary salaries. It is just archaic. It is archaic. We should be well past that by now. I have my views on the SRC and their lack of application, their lack of science, their lack of everything. In terms of how they have approached previous reports is documented on every debate. There has been no science applied, but I want to close on that report. It is a really, really interesting report.

He says and I want to close with this last quote:

“It is clear, however, that the administrative and financial autonomy of Parliaments is also dependent...on the high or low regard in which Parliament is held by public opinion.”

That is a serious statement because public opinion in this country on the Parliament is not often dictated by the actions of all Members of Parliament, and what you find is that public opinion sometimes—

I would love the Parliament to actually do a survey to find out what the members of the public think about the work of the Parliament. I could almost predict what the results are going to be, but you might be surprised because I think that is important to understand, what does the public think about the Parliament

and what does the public understand is the Parliament. What do they think is the Parliament? The Parliament is not the toing and froing. There are a lot of other things that happen and I think there is an opportunity in the activities outlined. I think the hon. Minister of Labour and Small Enterprise Development mentioned it, that listen, this has been in place a long time and if you want to do it you have to go through a whole series of activities. You cannot just throw it out there and then decide we want to change it overnight. I agree, but let us start the process. I think education is required, and it is not that people do not understand. They are not properly or fully informed and I think it is part of our job.

So, Mr. Vice-President, my contribution on this is not going to be very long. To be clear, I do not call for a completely rogue approach where you have a Parliament just doing whatever it wants and just sending demands to the Government or whatever. What I am advocating is just as we have independent agencies who can produce reports on their activities and can be summoned to answer our questions, that so too should be the Parliament. Its current structure would need to be changed, replaced in my view, with a more corporate type structure. I think that is the way in which it has to go. You have a board, you have a governing board and then you have people who are running the operations of the business. However, I continue to hold that we must be mindful of the fact that the Parliament is unique, and given this entrenched constitutional role as the overseer and reviewer of actions by the Executive, that is so key. Just this alone demands a different arrangement than what exists as present, otherwise we are giving short shrift to the Constitution. That is what it could be.

Perhaps I am wrong, Mr. Vice-President, and again I blame no one. This is not a blame game. This is the statement of where it is and where it has come over

the past 50-plus years of independence. No one has treated with it. Like I said in my earlier comments, Mr. Vice-President, I understand. We would have moved from colonialism to independence, and we would have had a Parliament, and you could probably understand why having a completely autonomous system may not have been seen as the best. Okay. But I continue to hold that times have changed and we should at least open the conversation. If you do not open the conversation and you keep saying you want to do it, it is on the radar, it is going to happen, well help us with a little timeline, help us with a schedule of activities. Say listen, we understand it is in there, we want to do it, it is on the radar, we recognize it is important, what is the plan? At least, even if we cannot adhere to the schedule outlined in the Motion as put forward by the good Sen. Wade Mark.

Mr. Vice-President, the bedrock of parliamentary autonomy hinges on financial independence, therefore I posit that we, the current Members of Parliament—because it is easy to throw stones—owe a duty of care to ensure that this system has all of the financial needs to carry out the legislative mandate, including exercising power over their budget. This is consistent with the Latimer principles, and I want to go to the updated handbook, Mr. Vice-President, if you will permit me. This is the July 2017 update from the Commonwealth Secretariat of the Latimer Principles, the Handbook, and I want to quote. It says:

“It is essential that the Legislature be given adequate resources to enable it to fulfil its functions. It needs to have control and authority to determine and secure budgetary requirements, unconstrained by the Executive (except where budgetary constraints are dictated by national circumstances).”

Mr. Vice-President, this is a very balanced approach by the Commonwealth Secretariat. They say that the Parliament must not be constrained in accessing the

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Small (cont'd)

2018.03.06

resources, unless there is a national issue that forces a constraint. Fine, but save and except for that, there should be no constraint. We subscribe to all of these entities and these organizations, and there is nice Latimer House principles. This is the handbook on how we should apply and it is interesting. Everybody here has access to it. We talk about it and then probably by tomorrow nobody will be paying any attention, but I cannot let that deter me because at the end of the day I have been mandated with a responsibility that I take very seriously. I am here to be able to comment, contribute on issues, and I try to make sure that in coming to a position on a matter at least I demonstrate that I have done some work on the issue and can present one or two cogent points. I do not expect everyone to agree with me, but such is life. Otherwise I might have been in a different place doing different things if everybody was agreeing with me. Forgive me for digressing.

One of the key things, Mr. Vice-President, that I am particularly interested in if we ever get to have a truly autonomous Parliament—is a real possibility—is that we would have what is call a parliamentary budget office. I would love for Trinidad and Tobago to have a parliamentary budget office.

4.00 p.m.

The role of the parliamentary budget office will be to inform the Parliament by providing an independent, a non-partisan analysis of the budget, the estimates and any other documents, as well as any other matter of significance relating to the nation's finances. I always tell the average person, I have no weekends. I have a full-time job other than this and I have other business interests. So, Mr. Vice-President, I come here today and this is what I received. I have a meeting tomorrow morning, this is my reality. Okay? That is my reality so I have no night. Because if it is one thing with me, Mr. Vice-President, I never go into a room

UNREVISED

unprepared. So I will thumb through it between the end of this session and whenever in the morning to be ready, I never go into a room unprepared. But I do not think people understand what it takes to be ready or what you have to do. Yeah? What you have to do.

Similarly, when you get the pack of budget documents—I have a suggestion for how we could reduce that pack, but this is not the debate for it. But you get the documents and then you really only hear about the budget activities on the day and then given the volume of information, it would have been good or lovely or useful to have an independent parliamentary budget office say, all of these measures, measure one, here is the impact on the economy, here is the impact on employment, here is the impact generally for Trinidad and Tobago. That is what you would have liked to have. That cannot happen without a truly autonomous parliamentary system because you want non-partisan financial economic analysis of any proposal the Government is going to bring. The Government is bringing an Insurance Bill, what does this mean? The document is nice and you know, 300 or 400 pages there, interesting substantive Bill and as most of us understand, the reality is that when we start analysing anything, certainly those of us who are non-legislators on this side—[*Laughter*] I am a non-legislator on this side. I start with my computer at Microsoft Word, page 1, line 1, position one. I have to read everything. I have to draft, do the first draft; I have to edit the draft, I have to finalize the draft, I have to print. I have to do everything myself because there is no research assistance. That is the reality.

So when I—I do not show this. My sons would be like, “Dad, why you have all this paper stacked up in the corner?” and then the boss in the household is like “Wey is all this paper gathering up here, geh it outta my house”. I deal with that

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Small (cont'd)

2018.03.06

every day because the average person does not understand how much paper you have to deal with to be able to be prepared and I have a bad habit, Mr. Vice-President, I do not know how to not be prepared. I do not know how to do it so I will spend the night getting ready for a meeting at 10.00 in the morning and then most people will be like “Okay, dah fella really read all ah dem things boy”. I say, “Yes, cuz I actually read it”. I actually read it, I do not just look at it and skim, I read. I have an ability to assimilate a lot of information in a relatively short time and that is a skill.

So, Mr. Vice-President, I think that, coming back to the point I was making, that a parliamentary budget office could help all of us, it could help all of us. Ease the burden, certainly on us, this side of us who are not legislators, who have no support of any kind and let me be clear, the Parliament staff are doing yeoman service. [*Desk thumping*] I am frankly amazed. I would send an email at eight o'clock Saturday morning and at 8.30 Saturday, they are responding to me. These people work and give service to this country. If we could have cloned the entire Parliament staff and populated some other Ministries, life would be easy in Trinidad and Tobago. [*Desk thumping*] There is no question about that in my mind, Mr. Vice-President. That is the reality so I commend them because their dedication to duty in the face of adverse circumstances and by adverse, I mean hours, time, the amount of people. You have 71 Members of Parliament calling and emailing and their ability to be calm and be—we are not having any late sessions as the Mover mentioned because of the budgetary constraints. No dinner or anything like that for us high-paid Members of Parliament. None of us included on this side. [*Laughter*] Non-legislators, because as a non-legislator, I should not be provided with a meal, come on, but we understand the constraints.

I am hammering home the point that one of those issues, in terms of how we manage our business, how we do our work here, having an autonomous Parliament will allow us to get the people's work done in a much better way and will allow— because for instance, Mr. Vice-President, you would have an autonomous Parliament and each of us would have somebody to at least read the document first and say, “Hey, give me a precis of what the issue is”. I have to read every Bill myself. I have no staff assistance. My good colleague here is reading the Bill for tomorrow because why? You try to make the best use of time. That is what we have to do. I have no time almost for myself, none. I have no weekends, zero. I sit on three Joint Select Committees just like, I suppose, most of us here.

And I always remember is that what I would like to see is that our Parliament will be truly effective and enjoy administrative and financial autonomy, and I think that the implicit thesis in my short remarks this afternoon is that this whole process where the Parliament is subject to the same process as applies to Government Departments is inconsistent with its status as an independent arm of the State under the Constitution. [*Desk thumping*] I think we have to get to the stage where we say yes, we all agree that treating the Parliament as a Ministry is not what is supposed to be. Now, what do we do from there? Good, but I always say, Mr. Vice-President, the first stage in fixing any problem is acknowledging that there is a problem. If we do not acknowledge that there is a problem— [*Interruption*]

Mr. Vice-President: Senator, you have five minutes.

Sen. D. Small: Thank you very much, Mr. Vice-President. Five more minutes. [*Crosstalk*] Time flies. I thought it was only 15 minutes gone, I had 25 more minutes. But, Mr. Vice-President, that is the implicit argument I am making, the

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Small (cont'd)

2018.03.06

Parliament is unique. If we cannot rationalize that in our brain and I am saying this to the people who—I know my mother is watching and one or two other people are watching understand my argument, the Parliament is unique. Of all institutions of the State, it is mentioned in the Constitution. The only other is the Executive and the Judiciary. We are in there. So that all I am saying is that we have to demonstrate that we recognize that this entity is different and requires different treatment. If you want to disagree with me, fine, but that is my thesis and the way to treat it differently is to make sure that the Parliament is truly autonomous.

In closing, Mr. Vice-President, the world is forever changing and I keep saying that we have a habit in Trinidad and Tobago of sitting and waiting for change to crop up on us, come right up, be nipping on our heels, before we take action. We have the chance to be in front, take in charge. Take charge and try to be in front of something. We have the opportunity and we can do it, and it does not mean it will happen in six months, but let us start the process. All around the world, Mr. Vice-President, more transparency rather than less is a key mantra around the world. Transparency for all Government activities is something that we are going to. And one of the things I want to mention is that a lot of the ground work has already been done on this whole issue of parliamentary autonomy in Trinidad and Tobago. When you go on the Parliament, it is just so much information, a lot of ground. I am not saying you adopt everything word for word but a lot of information is already available, a lot of work has been done. So we would not be starting from zero in terms of looking at parliamentary autonomy.

Mr. Vice-President, open government is here and I am not sure if we even ready for that. I had the privilege of attending a parliamentary seminar a couple of years ago and you sit and you listen to what people really mean by open

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Small (cont'd)

2018.03.06

government and open Government is supported by having an autonomous Parliament. Cannot work, cannot work without it. So, Mr. Vice-President, let us work together. I am always a person, Mr. Vice-President, as I say that I have the privilege to be here. I think that every day I come here, I try to demonstrate that every topic has its points for it and its points against it and I think that for me here, this is clear. The Parliament, as it is currently structured, in the way in which we are operated now, we are literally bursting at the seams trying to keep it together. Most of us are running ourselves ragged, ragged just to keep it together here. If anyone here is on holiday time, I am happy for them but my view is that most of us are running ourselves ragged just holding it together, just barely holding it together and we have to acknowledge that.

And that one of the things that could assist us with being able to lighten the load a little bit or at least allow for the system to operate more freely is to have a truly autonomous Parliament. I support the concept and the Motion to have an autonomous Parliament. If there are any challenges around the scheduling, fine, but let us at least agree that one, the Parliament is unique; two, it is a creature of the Constitution and thus it requires a different treatment. Let us agree—if you could agree on those two things and then say, okay, we agree on that. The plan to move forward to treat with it is this, we expect in 18 months, 24 months, here is the schedule of activities. But if we keep saying yes, we support and then—*[Crosstalk]* and that is the history.

So, Mr. Vice-President, I appreciate you, your forbearance for bearing with me and I have tried to lay out my arguments on this matter and I want to thank you for giving me the opportunity to contribute on this Motion. Thank you very much.
[Desk thumping]

Sen. Khadijah Ameen: Thank you, Mr. Vice-President. I thank you for this opportunity to contribute to this debate on this Motion moved by my colleague, Sen. Wade Mark, who has been a stalwart and champion for parliamentary democracy and parliamentary autonomy in his time, in his more than two decades as a parliamentarian. [*Desk thumping*] So I applaud him for bringing this Motion and applaud him for his service to Trinidad and Tobago as a Member of Parliament for all these decades and trying to ensure that the principles of good governance are enshrined and institutionalized in our Parliament.

Mr. Vice-President, the number of women participating in a democracy and the number of women sitting as Members of Parliament is often used as an indicator internationally for how well a country does for its girls and its women. And so as I begin my contribution on today's Motion, I want to take this opportunity to recognize, as we move towards March 8th International Women's Day, to recognize the fact that Trinidad and Tobago has been named as one of the top 10 places to be born a girl and the indicators for that rating included our equal access to education for girls, the fact that women have the right to vote, the right to own property, even something we take for granted, the right to be in public by yourself. We have had improvements in maternity leave benefits. We have had great improvements in equal pay for equal work and there is still some work to do in that area as well as in the area of cultural gender roles and parenting and so on. But certainly, Mr. Vice-President, I cannot mention these advancements in women's rights and women's privileges in Trinidad and Tobago without sparing a thought for the fact that we still have a lot of domestic violence against girls and women in Trinidad and Tobago and an increasing rate of murder of female citizens of Trinidad and Tobago that we must put a handle on.

So, Mr. Vice-President, as I sat listening to other persons contribute earlier in this debate, I recall that in May of 2017, Sen. Mark had brought a Motion where all of us, I think, all of the speakers on the three benches—the Government, Opposition and Independent Benches—supported the principle of parliamentary autonomy. Not much I think has changed in the few months, in the months since that debate which was in another term. But certainly I looked at the *Hansard*—even though I was here as present in the debate, I looked at the *Hansard* and I looked at the contribution of the Members of Government in particular and I expect to hear the same things again. We stand and we speak about democracy, we speak about the academic principles, we speak about studies done in other countries, we speak about best practices, we speak about what should be done, but do we make moves to do it? That question Mr. Vice-President, is why there is a lot of people in Trinidad and Tobago who “doh look at Parliament channel”. Because they feel that parliamentarians come to talk, talk, talk and there is no action. And the people to make this thing a reality are sitting opposite me and I trust that, as a Government, having made mention in their manifesto, having made promises to the citizens of Trinidad and Tobago to ensure that there is a parliamentary autonomy, that they will take the necessary steps.

Mr. Vice-President, Trinidad and Tobago is a Republic with a representative Government of elected persons in the Lower House and appointed persons in the Upper House. We have as a Head of State, a non-executive President who is elected by our Electoral College which comprises all the Members of Parliament and we recently had the opportunity and I was privileged to be part of that Electoral College to elect our next President of Trinidad and Tobago who, incidentally, for the first time, is a woman. The Executive is led by the Prime

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

Minister who leads the Cabinet and the Cabinet is chosen by the Prime Minister, and, of course, the Cabinet is supposed to be responsible to the Parliament. But very often, in practice, what happens is that sometimes the Cabinet's responsibilities would often impose itself on the Parliament and that is something I think we have to be mindful of when we consider any legislation to protect the autonomy of the Parliament.

Mr. Vice-President, one example I want to use is that while the President, of course, does not sit in Parliament, he is responsible for the summoning, for the prorogation and for the dissolution of Parliament, and of course, he will give his assent to any Bills that are debated here. But it is important for all of us, as Members of Parliament and for this institution of Parliament, to protect the responsibility of the Parliament so that the prorogation and summoning of Parliament does not become something that goes more into the domain of the Executive. And while I agree with cooperation and collaboration, we must be careful that the agenda of the Government does not, as I said, impose on the Parliament.

And I wondered today, I mean I plan, today, to share for the education of the public and the people who may be listening to Parliament, some of the principles, some of the definitions, in terms of governance, in terms of speaking more about autonomy and the non-dependence on the Government. But I feel, Mr. Vice-President, that this debate is not so much about whether you support parliamentary autonomy or not because every person who sits here in this House will stand and say, "I support parliamentary democracy. I support parliamentary autonomy." This Motion asks the Senate to call on the Government to introduce legislation by April 30, 2018 to give effect to parliamentary autonomy and that this legislation be

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

immediately referred to a joint select committee of Parliament for early consideration and report. That is the action that this Motion calls for.

So my question, as I stand here, is to remind other Members that while we spend part of our contribution endorsing the principles of parliamentary autonomy and parliamentary democracy and commending the hard work of our current Parliament staff, that the Motion being debated here is asking the Government to do its job as promised in their manifesto which they have failed to do thus far. [*Desk thumping*] Mr. Vice-President, to me, this debate is not about the administration and the financial autonomy of parliamentary assemblies. We could refer to examples from other countries. We could refer to our founding fathers. We could refer to the place we inherited our Westminster system from, Great Britain. We could talk about how much the PNM has done or has not done from independence to now, but, Mr. Vice-President, in my view, that is not what this Motion asks. This Motion asks the Government to bring your legislation that you promised and Sen. Mark has given a deadline, which I liked.

Mr. Vice-President, a lot of reference has been made to the financial, the budgeting. The fact is and I mentioned this before and in other places and I will repeat it: Parliament continues to be treated as a Ministry or a state agency when it comes to the administration and the disbursement of funds. While in practice, the Parliament authorities alone decide on the amount and the distribution of their expenditure, it follows from this that the parliamentary authorities ought to be careful not to present a budget that bears no relation to the general budget of the state and mention was made previously about national circumstances. So the Government claims that there is a recession, “things bad, they cutting money” from every state agency and of course, the Parliament would, perhaps, be subject to

those reductions.

And I think this Parliament has been responsible in its request for funding. I do not think they have been unreasonable. But the fact is that when a government, any government, decides to put austerity measures in place, it will affect the Parliament as it will affect other Government agencies. A speaker before me referred to the fact that we have had less late sittings of Parliament to deal with the business of the people of Trinidad and Tobago because there is cut or a reduction in the moneys allocated to provide meals for Members and staff when we go past a certain time.

Sen. Khan: Would the Senator give way?

Sen. K. Ameen: Sure.

Sen. Khan: I let Sen. Mark pass with that statement. The reason we have sittings has—the time we are adjourning this Parliament has nothing to do with whether dinner is served or not. And let me put you on notice, you will be having some late nights shortly.

Sen. K. Ameen: Thank you. [*Crosstalk*] Mr. Vice-President, this Senate is not the only place that it has happened. I trust that the Leader of Government Business is well informed and we thank him for his information and I trust that—[*Laughter*] You know, that is actually another point but I do not want to be distracted because I want to talk about the fact that, as a Parliament, we sit here and sometimes for weeks, we do not meet and then towards the end of the Parliament term, they try to rush everything down and we go late nights and that in itself has issues when it comes to productivity and so on.

But I want to complete this point with regard to funding and the issue about a meal being provided is immaterial. The fact is that the Parliament is subjected to

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

the Government's approach to budgeting. Mr. Vice-President, there are Ministries now that "cyah even patch ah pothole" because of Government's budgeting and their poor planning and the fact is that with the current system, the Parliament could fall victim to that same irresponsible approach because of what we are seeing at present. And while I know the Parliament staff will make do with what they have, I know for a fact that there are new Members of Parliament who cannot be provided with an iPad because the funding does not provide for it. The funding that is released to the Parliament is subjected to the Government's general approach to budgeting and release of funds. The Parliament remains subjected to the intervention of the Ministry of Finance and Parliament has to continue to negotiate. So the Parliament staff who is responsible for drawing up the budget has to negotiate with the Ministry of Finance. The Minister of Finance is a political creature, he is a politician, he belongs to a Government and that is what we want to safeguard the Parliament from.

There are a number of countries that have managed to have genuine financial autonomy so that even though their draft budget is submitted to the Minister of Finance, here in Trinidad and Tobago, what you submit will be subjected to the whims of whoever is in the office as Minister of Finance and the Parliament is treated similar to a Government agency or a Department and it remains subjected to that political creature, who remains responsible for paying the salaries of the President of the Senate, of the Speaker of the House of Representatives and it leaves a question as to how independent these offices are.

I want to endorse a point made by Sen. Mark and repeated by Sen. David Small with reference to the formula used for funding the Tobago House of Assembly. The THA receives a fixed percentage of 4 per cent of the national

budget. I am of the view that that should also pertain to the Judiciary and to the Parliament so that their funding, while it will be reflective of the national budget, it is not something that will be subject to interference or the discretion of the sitting Minister of Finance, so in support of a fixed percentage of the national budget going to the Parliament every year.

Mr. Vice-President, I think it was Minister Baptiste-Primus who spoke about the staff. The staff of the Parliament, while many people who work at the Parliament would have been allowed by tradition or by practice to continue to be trained to learn and grow in this environment and then of course, be promoted, the fact that they are afforded special training, I think is very important when we consider their duties to this Parliament. If you even take the police officers, for example, their duties are very different from what a police officer in a police station would do, what a police officer at the Magistrates' Court or High Court would do and special training is required. Money would be expended on this training and so I think it is important for us to continue that practice of preserving. But the fact, as far as I am aware, members of staff of Parliament are appointed by and can in fact be transferred to another Ministry.

It is fortunate that in practice, we generally—well, I should not say we, the administrators, the bureaucracy that protects us, generally keeps the staff but the fact is they can be transferred, they can be appointed elsewhere and we have had cases of persons who served as Clerk of the Senate, Clerk of the House acting as Permanent Secretary and they can, in fact, be appointed as Permanent Secretary. So I think to say that the staff is not subject or will not be subject to that sort of transfer is a bit misleading. In practice, we have kept it but the fact is it can happen so let us be mindful of that. [*Crosstalk*] Well, that was the impression I

got from your contribution.

But as I move on, I know we are coming very close to teatime but I want to speak and perhaps I should leave that for after the break. I want to speak about some other countries and their practices, some recommendations that we could embrace and with the bottom line being that at the end of this debate, I would like to see some action on the part of the Government. So even though we are discussing all of this here now, I would like to hear from the other side, I would like to hear from the Members who will contribute. We had an excellent contribution from Minister Jennifer Baptiste-Primus in terms of the support for the principles of parliamentary autonomy and she sounded like she was in support of the Motion from Sen. Wade Mark. So I trust that what we will hear from future contributors in this debate is the way forward to get it done. [*Desk thumping*]

Mr. Vice-President: Senator, you have spoken for 20 minutes, you will have 20 minutes again after the tea break. Hon. Members, the time is now 4.30 and it is time for tea. This House do now stand suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. K. Ameen: [*Desk thumping*] Thank you, Mr. Vice-President. Before the break, I indicated that my hope for seeing action out of this Motion—I expressed appreciation for the fact that Members on different benches expressed support for the principles of parliamentary autonomy. And I want to continue, Mr. Vice-President, by mentioning a few countries, a number of countries where they have managed to have systems in place to protect the Parliament, to insulate the Parliament from the political influence of the Minister, whoever he or she may be.

The three I want to mention are in Canada, the UK and Scotland. In Canada,

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

there is a managing body called the Board of Internal Economy and it is a statutory body that deals with all the financial and administrative matters with respect to the House of Commons. And the House itself—its premises, its services, and the staff—and they have an Act of Parliament which makes provisions for that.

In the United Kingdom, there is the House of Commons. And the House of Commons has its own administration and they operate under their own Act which was passed in 1978. In the UK, their principal managing body is the House of Commons Commission. So the Speaker of the House chairs the commission, and the commission will prepare all the financial estimates and so on, which will be laid in the House as part of the normal budgetary process. So, there is no real formal role for the Treasury, for the Minister of Finance and that feature gives the Parliament a large degree of independence.

In Scotland, their system has a number of unique features. They have established a body called the Scottish Parliamentary Corporate Body, and it is generally referred to as the Parliament Corporation, to perform the function of providing for Parliament or to ensure that Parliament is provided with the property, the staff, and services required for their purpose.

In Australia, the Australian Department of Parliamentary Services has its own separate and amendable appropriation Bill. So they can amend it, but it is very separate. So the federal government has adopted a system which distances its funding from the funding of the government services in general. So the funding of that commission is separate from the general funding provided to the Ministries and so on.

Mr. Vice-President, these are matters that we can consider if there is a joint select committee. I mentioned that while there are a number of things that I

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

wanted to share with regard to endorsing the parliamentary autonomy, that is not what this debate is about. The speaker from the Government side, the only speaker on the Government side thus far, actually did something I intended to do which was quote the PNM's Manifesto.

The PNM's Manifesto would have been drafted prior to September 2015. Since before 2015, the people who now sit in Government promised this nation that they would bring parliamentary autonomy. To date, we have had no action, we are in March of 2018. To say that the date provided by Sen. Mark when he moved this motion of April 30, 2018 is too short, to say that that would give this Parliament just over a month or a few weeks is totally misleading. This PNM, if they really meant what they said in the manifesto they would be ready to bring legislation and to keep their promises to the country. [*Desk thumping*]

I would have thought that if you had that promise in your manifesto you would have had some consultation, you would have had some ideas, you would have something, some plan, some draft. Of course, you would do the necessary in terms of taking it to the Attorney General to firm up the legislation—the structure of the legislation.

But certainly, I would expect that since prior to coming into office you made this promise that you would be prepared when you come into office. So to say that the—and I know what they will do, you know. All the speakers on the opposite side will say, “I agree with the principles, however...”, and they find a loop, they find an escape clause, and the escape clause will be April 30, 2018. I can tell you that is what all of them will say. So the escape clause is that it is too short and I am saying, if you really genuinely mean to bring the legislation then you will propose to amend the Motion, you will propose to have another date that you think

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

is reasonable and you would ensure that the Parliament Services Authority Bill comes to Parliament and is debated as it should be. [*Desk thumping*]

So, as much as we talk about democracy, you know, Mr. Vice-President, they say that democracy is by far the most challenging form of government. Because, you cannot just come and say so and it will be done. You have an Opposition who is a watchdog. You have people who are keeping you in check, and that is the power of people. And today, Mr. Vice-President, I am wondering if this will be one of the numerous broken promises of this Government. Because, the truth is that there are many pressing issues, there are many pressing matters in society now.

Mr. Vice-President, in my opening, I paid tribute to women and I spoke about the issue and concern we have about the number of women who are being murdered, I am sure we could talk about that. I am sure we could talk about protecting our women and girls. I am sure we could talk about other issues with regard to education, with regard to public health care, with regard to crime. But the fact is I know we must find space for everything and as we continue to treat with the problems that present themselves in society now, the present issues, we must not forget that part of our duty as a Parliament is to preserve our democracy and the future of our nation by ensuring that the rights enshrined in our Constitution in terms of the political rights and the right to a free and fair election to ensure that our institution—the independence of our institutions, including the Parliament, including the courts and so on, that they are protected. So that is part of our duty.

Mr. Vice-President, Sen. Mark has spoken on numerous occasions about parliamentary independence and empowering the Parliament. But, this Motion is

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

unique in that this is not a matter that was first raised by Sen. Mark, or only spoken about by Sen. Mark. I want to ask the Government and any speaker who may speak, whether it is in this debate, or in the public forum, or any public forum whether it is through the media. I want to ask you, please do not mislead the country for yet another occasion.

You have misled this country on a number of issues. [*Desk thumping*] Please do not stand and patronize the citizens of Trinidad and Tobago. Please, do not come here and say nice words in support of parliamentary autonomy because it sounds good. And I am asking you to work with the Parliament: the staff, the Independent and Government Benches to make this a reality.

If your intention is good and if your intention is what you outlined in your manifesto, please make a commitment, even if you want to change the date by which you will deliver, but let us make a firm commitment today that we will make good on that promise that you made in your manifesto.

Mr. Vice-President, there are a number of other things that worry me. When I heard the Members of the Government in that debate we had in May of 2017, I was very optimistic, for the first time as a Senator, hearing the Government's commitment—this was a Motion that was moved by Sen. Mark, he is in Opposition—and all of the speakers on the other side sounded as though they were in support of it. So that Motion at that time asked the Parliament to, more or less, agree to financial and administration autonomy for the Parliament. So, at that time I think we were all in agreement. Since that occasion, that debate, a number of individual Members have changed. But certainly the Government, by and large remains the same; many of the Ministers are still in office—some have been disposed of, but some of them keep coming back—well, not in a negative way,

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

they have been removed, or you know, some just keep coming back.

But the fact is, Mr. Vice-President, that the Government is the same Government of that day and the Opposition is the same Opposition. So, the Government had an opportunity to talk, and I am saying, even if not in 2015 when you made all your promises to the people of Trinidad and Tobago, in May of 2017 you had a debate here. You made a commitment, you referred to your manifesto promise and you said it will be done. And my question is, how much has this Government done towards bringing this Parliament Services Authority Bill towards the Parliament since that? Even if you misled the people—I am told you cannot use the word “lied”. So, I want to be proper in terms of the parliamentary language. But even if you mislead the people, you mislead the citizens of Trinidad and Tobago. There was another occasion, there was another opportunity in May.

But Mr. Vice-President, that manifesto and I think—sorry, I had the page here—but there were a number of other issues in that manifesto that came to Parliament, that legislation would have come, and when the legislation came we realize the sting in the tail. And to me, one very famous one that every citizen of Trinidad and Tobago is affected by, was the manifesto promise to reduce VAT, you know. So I am hoping that this is not one of those, because the manifesto promise to reduce VAT from 15 per cent to 12.5 per cent did materialize, and they boast that they kept their promise. But they did not tell people the sting in the tail was increasing all those zero-rated items from zero to 12.5 per cent.

So effectively, this Government increased VAT and they boasted that they expect more revenue from VAT. So the fact is that they plan to hoodwink the nation, they plan to hoodwink the nation by making a promise that they had no intention of keeping and they boast with their deception. They boast and they

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

show off, and at the end of the day the effect on the citizens of this country is one that none of them can appreciate because I am sure there is not a single member on the other side who would face a day when they cannot provide a meal for their children because of increase in VAT.

So that sort of deception, Mr. Vice-President, I am detecting is continuing here because this is not the first time that the Members are being asked about this Houses of Parliament Services Authority Bill. This is not the first time that we are discussing or debating, providing or strengthening the autonomy to the Parliament and this is not the first time that the Members opposite are referring to their manifesto.

Mr. Vice-President, there are a number of other deceptions contained in that manifesto and I—I do not want to turn this into—my contribution into a piece about the deception of the PNM. But the fact is that the PNM has been very deceptive to this country, very, very deceptive. [*Desk thumping*]

5.15 p.m.

Mr. Vice-President, while the issue of Parliament and Parliament autonomy may not be viewed as one of the things to deal with the pressing social issues of our nation at this time, this is an opportunity for the—[*Interruption*]

Mr. Vice-President: Senator, you have five minutes.

Sen. K. Ameen: Thank you. This is an opportunity, Mr. Vice-President, for the PNM, for this present Government, to show that it genuinely meant something in that manifesto, that book of deception—those promises that were made to this country, those glitzy ads that they put up all over the place when they made these promises. And the sad thing, Mr. Vice-President, is that they continue to, well now, use Government resources to continue propagating those promises that I do

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Ameen (cont'd)

2018.03.06

not see materializing.

So, Mr. Vice-President, the enthusiasm I had when I contributed to that debate last year is severely diminished. What I have seen from that time to now, I think the Government had some time between May of last year and now to do some sort of work if their commitment of their word at that time was true and genuine. As of present, their indication for support of parliamentary autonomy stands, however, what I would like to see in terms of—is not trying to use the date being too short to accomplish bringing legislation to Parliament as an excuse—but if this date is not reasonable, that they suggest a reasonable date, and that all heads are put together and that the Parliament's instrument of a joint select committee be utilized to engage other stakeholders, to engage people even from other countries who could make recommendations as to what system will be suitable to allow for transparency and accountability when it comes to the taxpayers' dollars which would fund the Parliament and providing that insulation from political creatures, regardless of who is the Minister of Finance at the time.

So, if the Government is serious, if you are not going to continue on deception and so on, we would have some meaningful suggestions from the speakers opposite but, Mr. Vice-President, unfortunately I am not as enthusiastic this time or as hopeful this time of the PNM's promises. Thank you. [*Desk thumping*]

Sen. Daniel Dookie: Thank you most kindly, Mr. Vice-President. I am very delighted to join this debate and to share a few thoughts on the matter which is before us, and that is the Parliament of Trinidad and Tobago when the intervention of autonomy which, I believe, is a cross-disciplinary intervention because I believe the issue of autonomy covers all organizational functioning of the Parliament. I

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

also believe, as Sen. Small would have indicated, that autonomy in the context of parliamentary autonomy, warrants a discussion on the non-dependence and the non-subordination to the Executive, and I think Sen. Mark attempted to make a case for a corporate body-type structure.

Additionally, I think the issue of autonomy, in this context, also warrants an examination of the entire value chain of the Parliament of Trinidad and Tobago and, in my view, more so the relationship Parliament enjoys with the Executive parliamentarians and, more so, the people of Trinidad and Tobago.

Parliament as an organization begs the question in my mind, Mr. Vice-President, what business are we in? And I think from the discourse, thus far, we may agree that we are in the business of making good laws, we are in the business of providing oversight in terms of the Executive, we are in the business of providing good representation for the people of Trinidad and Tobago, but I wish to add to that, Mr. Vice-President, and say, that we are also in the business of producing good parliamentarians because there is the causation effect. The higher quality parliamentarians we have and we develop over time, the better we will be in terms of producing laws, oversight and representation.

But also in the context of Parliament as an organization and the proposal for greater autonomy, a question that I would ask is: What is the problem we are attempting to solve or what are the problems we are attempting to solve? In other words, Mr. Vice-President, what is the performance outcome we expect when we advocate parliamentary autonomy? Is it really that the challenge facing us as a Parliament, Mr. Vice-President, is the inability to recruit and select? Is it really that the challenge facing us as a Parliament is the inability to promote training and development in the way we would like to? Is it really about some of the issues I

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

would have heard today about the availability of dinner or who is going to approve travel? What about the wider context of overall performance?

Because I ask the question to myself, Mr. Vice-President, as we advocate this intervention, what is really preventing us now from being more effective in terms of what we do, in terms of creating laws, representation and providing oversight? I ask the question, Mr. Vice-President, to myself, what is preventing us now as a Parliament and as parliamentarians from designing and redesigning systems which will allow us to deliver better to the people of Trinidad and Tobago? What is preventing us now, Mr. Vice-President, from engaging in interventions that will improve the skill set required by both parliamentarians and staff?

And, Mr. Vice-President, is it really more urgent to engage as a solution autonomy, or is it that one of the things we need to do and we can do now is to engage in a paradigm shift in terms of what we do or, more than that, how we do what we do as a Parliament? Is it that we are advocating autonomy for the benefit of strengthening one side or is it that we are advocating autonomy so that we can finally get to a real place of cooptation where as a Parliament and parliamentarians in a competitive environment we can compete and cooperate at the same time? And I pose the question again, Mr. Vice-President, for consideration: What is more urgent, is it the cry for autonomy or is it a need to engage in a shift in our paradigm in terms of how we can deliver better for the people of Trinidad and Tobago?

Mr. Vice-President, some would have referred to the PNM's manifesto and—when I say a paradigm shift, it brings me to the issue of parliamentarism, and I believe in the manifesto of the People's National Movement it was addressed, and permit me to read from it as I highlight some of the desirables as we promote

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

Parliamentarism. It says:

“SELFLESSNESS

Members of Parliament should act solely in terms of the public interest.”

Contained in the manifesto of the People’s National Movement. It says:

“INTEGRITY

Members of Parliament must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work, or act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose to Parliament all potential conflicts of interest.”

It says, Mr. Vice-President:

“OBJECTIVITY

Members of Parliament must act and take decisions impartially, fairly and on merit.”

It also says, Mr. Vice-President:

“ACCOUNTABILITY

Members of Parliament must account to the public their decisions and actions and submit themselves to the scrutiny necessary to ensure this.”

I say this, Mr. Vice-President, because I believe it is not deception, I think we have made this commitment to the people of Trinidad and Tobago, and we have kept it and we intend to continue to keep it as we progress in our term.

So, Mr. Vice-President, a lot has been said also about the concentration of Executive power or the Executive dominance of the Legislature, but what about the use of the Legislature to frustrate the Executive? Is that real? As Sen. Baptiste-Primus would have indicated, the issue of obstructionism: Is that real? What

about understanding and accepting as we engage our duties in the Parliament that the Executive has been established in a democratic process, in a democratic manner according to the Constitution of Trinidad and Tobago? And what about accepting the responsibility, Mr. Vice-President, for the Legislature to engage in action to provide greater support to the Executive as a stakeholder and also to provide support to other stakeholders of the Parliament? And that brings me to what I described and defined as the most important stakeholder, and that is the citizens of Trinidad and Tobago.

The citizens put a government in place to improve their circumstances, and they are going to hear and they would have heard the talk and the cry for greater autonomy, and they are going to ask the question: How would this impact positively their circumstances? How would this impact delivery of goods and services? How would this impact security? And I think if we argue the case for autonomy, then we have to show the relationship between the autonomy and improving the circumstances of our citizens. And our citizens, Mr. Vice-President, in my estimation, also demand the opportunity for greater participation, for greater involvement. And, of course, Parliaments around the world have engaged in the use of ICT to promote this type of participation. We would have heard about e-democracy, tele-democracy, cyber-democracy, e-parliament and e-participation.

And I think, Mr. Vice-President, as we argue the case for greater autonomy, we must demonstrate to the people of the country that we are serious about giving them the opportunity to participate more in their affairs. ICT has become a tool, Mr. Vice-President, which has transformed the relationship Parliaments enjoy with citizens. And, of course, in our own context, we know that our Parliament embraces the use of YouTube, emails and twitter to engage the public—and I

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

advocate that this has to be continuously improved—but I say this in the context, Mr. Vice-President, that if we are serious about giving the people the type of representation that they need, we would engage as a Parliament, more seriously, the use of ICT and other interventions to engage the citizens of the country. And I ask the question, in our current context, do we need greater autonomy to improve our performance regarding this intervention? Do we need greater autonomy as a Parliament to allow for a deeper contribution from the people of Trinidad and Tobago?

A lot has been said also about the issue of democracy, and I believe we live in a democratic Republic and I believe our Parliament is a democratic institution. So, certainly, Mr. Vice-President, the People's National Movement supports the construct of democracy. If I can just highlight the work of Vidalus Owen and Williamson who show in their work that democratic institutions positively impact the well-being of citizens. They show, Mr. Vice-President, in the context of the performance of Parliament, individual behaviour and the performance of the Parliament have a direct impact on the well-being of citizens. They show, Mr. Vice-President, that their work has proven that countries with greater access to democratic institutions show a higher level of well-being among their citizens and also a higher level of happiness, because their work proves that there is a contemporaneous relationship between democracy and well-being. So, certainly, Mr. Vice-President, the People's National Movement support the construct of democracy.

But what they went on to show, Madam—Mr. Vice-President—sorry—that as a Parliament, we ought not to engage in actions and engage in behaviour and engage in decisions where citizens' confidence will be negatively impacted. And

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

they went on to state, Mr. Vice-President, that Parliaments in their functioning must promote electoral accountability. They went on to show in their findings, Mr. Vice-President, in the promotion of democracy, that Parliaments, as I said before, must also produce good parliamentarians and they went on to show as well, Mr. Vice-President, in their work to support democracy and the strength of the Parliament in relation to its citizens or the citizens of the various countries that they examined, that the work of the Parliament must reduce corruption, and I think we have made progress in recent times regarding that.

These are some of the things that I think we can promote in our current construct, not that we are saying autonomy is not desirable, but what I am advocating and my message in my short contribution today, is that I think there are solution opportunities in our current construct that we must engage as a Parliament.

Mr. Vice-President, the Westminster system focuses a lot on what the literature describes as input legitimacy, but it also shows that there is a movement towards—and this is in the context of Parliaments—performance legitimacy, and if you examine the work of McCarthy Lee and Painter, you would find support for this philosophy.

In an input-type legitimacy approach, you would find significant emphasis on controlling spending, on hiring and staffing which we have advocated for, for administrative processes which we would have alluded to today, but in a performance legitimacy-type or output legitimacy-type structure of Parliament which their work shows a lot of Parliaments are moving towards, significant focus is placed on the quality of the product that Parliament produces—the quality of the product in terms of representation and oversight and there is significant emphasis in the operations of Parliament today regarding performance reviews and an

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

approach of target-based management, which the paper or the study done by these authors shows that citizens are very receptive to the issue of performance legitimacy. And as an organization, Mr. Vice-President—Parliament as an organization and Parliament as an institution—I ask the question: Where are we as a Parliament in terms of performance management? Where are we as a Parliament in terms of target-based management? And I think as we advocate to the people the call for greater autonomy as a Parliament, I think it is instructive that we answer these questions.

I also believe, Mr. Vice-President, as we engage in the discussion about autonomy, that we must also address autonomy in the context of the culture of our people and maybe we have a more collectivist-type culture. But the key question I think we must face and confront is, how do our citizen as a stakeholder see us as a Parliament? And Sen. Small would have alluded to the issue of public opinion and I agree with him. But have we considered how our citizens see us as we cry out for greater autonomy? We know how the Calypsonians see us, but are we convinced that we know for sure how our citizens view us as a Parliament and as parliamentarians? Do they think that our work is part time? Sen. Small showed us a lot of work that he has to do tonight. Do they think that we work at all? Do they think that we are overpaid? And if they think we work, what value our citizens place on our work? I say that, Mr. Vice-President, because I believe that our citizens will have a say regarding autonomy for the Parliament of Trinidad and Tobago.

But As we advocate autonomy, Mr. Vice-President, I think we must demonstrate small areas of successes, because small areas of successes in our current construct can promote the acceptance of what we do, the acceptance of our

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

work and the need for greater autonomy. If our people, Mr. Vice-President, see us as cooperating, then I believe they will support the argument for greater power and greater autonomy. If they see us cooperating while we debate in our JSCs, at committee stage, then I am convinced that they will be supportive. If they see us, Mr. Vice-President, as less corrupt—as, indeed, we would have seen the recent findings regarding the perception of corruption in Trinidad and Tobago—in fact, if our citizens see us this way, they will support our call for greater autonomy, because rest assured they would look at how we deal with the issue of accountability and the issue of procurement. If they see us as putting our country first, Mr. Vice-President, they will respond in a positive manner.

And as we argue and as a call has been made for greater autonomy, Mr. Vice-President, let me assure us that the people are looking on, and they have looked on. They saw, Mr. Vice-President, how we dealt with FATCA. They saw as a Parliament how we dealt with anti-gang. They saw how we dealt with procurement. They saw how we dealt with the Bail (Amdt.) and, Mr. Vice-President, they are waiting to judge us. As we call for greater autonomy the people of the Trinidad and Tobago will have a say.

So, Mr. Vice-President, as I summarize in closing, while there is support and significant support for autonomy, my message in my short contribution says that there are solution opportunities available in our current construct. I would have identified the opportunity available presently for the use of ICT, to enhance citizens' participation and improve the quality of representation we give and provide as parliamentarians, of course, these are the demands of citizens.

I indicated, Mr. Vice-President, that there may be the need for a paradigm shift, a mindset in our engagement of cooperation/coopetition as we work together

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. D. Dookie (cont'd)

2018.03.06

for the overall good of our people. I would have indicated, Mr. Vice-President, that there are opportunities for us to promote true parliamentarism, understanding that there has to be a healthy relationship between the Executive and the Legislature and oversight does not mean to frustrate, but rather to enable and to encourage for the overall good.

I would have indicated, Mr. Vice-President, that there are opportunities in our current construct to engage in interventions to improve the skill set required by parliamentarians and staff that would breed and enhance a performance culture that would augment the quality of what we produce as a Parliament and that is laws, oversight and representation.

I would have advocated, in my own way, the need to show small successes to our people to demonstrate that we have earned the right, that we have earned the right, Mr. Vice-President, to call for greater autonomy, because what we do with what we have will influence whether or not we get more. I want to repeat that, as I close, Mr. Vice-President. As a Parliament, Parliament as an organization and Parliament as an institution, what we do with what we have will influence whether or not we get more and maybe, Mr. Vice-President, it may not be about best practice, but in our current context and our current culture, it may be about right fit or best fit and maybe for consideration, Mr. Vice-President, an incremental approach to this goal of autonomy may be useful. Mr. Vice-President, with those few words, I thank you. [*Desk thumping*]

5.45 p.m.

Mr. Vice-President: Sen. Haynes. [*Desk thumping*]

Sen. Anita Haynes: As I rise today to contribute on this very important debate on parliamentary autonomy, I would just like to take a couple of minutes to reflect on

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Haynes (cont'd)

2018.03.06

the speaker before me, because my opening statement initially was to thank Sen. Mark for bringing, what I think is a forward-thinking and revolutionary Motion on this idea of autonomy and what we should be moving towards, or the ideal that we should move towards. And I was very prepared to start off by saying that I have a sense of pride in contributing on a Motion such as this today, because when we talk about democracy and these ideals, I thought it was something that we can all agree upon, but the speaker before me had a lot of questions. There was one concern that the Senator kept echoing which is, there are opportunities within our current construct that would allow us—and then he said something that was very interesting which was, have we earned the right to autonomy? And that what we do with what we have will determine if we can get more. I think those are very interesting statements, given that I would like to reflect on when a Motion similar to this was debated in 2016, and the Leader of the Government Bench in the Senate, Sen. Khan said, when Sen. Mark piloted something that was similar, and he said, this has been debated three times already.

Sen. Khan said, and I quote here:

“Madam President, I just want to go on record and say officially, that Sen. Mark is pushing against an open door, and during this term in office, we”—and that is the PNM—“are committed to parliamentary autonomy, like many other things, will happen in Trinidad and Tobago for the first time in conjunction with judicial, financial and administrative autonomy. We are committed to those three, judicial autonomy, fiscal, financial and parliamentary autonomy.”

So I cannot understand what the movement backward is because I thought we were all in agreement, I assumed we were all in agreement that this was, at least in

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Haynes (cont'd)

2018.03.06

principle, a thing that we aspire to as a nation and that we understood that our structures as they stand have been in place for a long time, and that the reform of the Parliament of Trinidad and Tobago was long overdue, and that we have had discussions over decades that have led us to this point, and that we were here to agree that our discussions should progress into action. And while we may disagree on when that action should take place, and Sen. Mark has indicated April 2018, that we should not be regressive and go back to whether or not action should take place but just a matter of when. I think, you know, it is important to note that the process towards the reform of the management structure of our Parliament commenced in 1997. The discussions commenced in 1997 when a report of the House Committee of the House of Representatives identified a need for organizational trade for the Parliament which remained largely unaltered since 1962.

So, again, you know, to address a number of your concerns, Sen. Dookie, it is not so much what we can do in our present construct, but what we can do as a Parliament to improve the institution that we have now. I think Sen. Baptiste-Primus, the Minister of Labour and Small Enterprise Development said, I noted with a lot of pride that the PNM built every single institution of democracy, but now we are here in a private Motion asking you to strengthen it. So I thought after you said that the debate was going to end there because we were all in agreement that if you built the institution—[*Interruption*] Well, Sen. Dookie did not necessarily agree. [*Crosstalk*] So that what we are saying, what we are asking is that we come together—[*Interruption*]

Mr. Vice-President: Members, please allow the Senator to make her contribution. I am hearing a lot of crosstalk coming forward and I cannot exactly hear what she

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Haynes (cont'd)

2018.03.06

is saying. Senator, continue.

Sen. A. Haynes: Thank you. [*Desk thumping*]

What we are asking is to come together, that we all collectively agree that the institution that is Parliament should have autonomy, and that the autonomy will enable us to function, to serve the needs of the people of Trinidad and Tobago. What we do here must serve not only our present generation, but we must act in a manner that will create institutions that will serve the future of Trinidad and Tobago. So what Sen. Mark is asking for is just quite simply a step into the future, and we should be able to all agree that—and I think Sen. Dookie also asked, you know, well, how would this benefit or serve the demands of the citizens? And I think one of the key demands of the citizens is good governance, and that they hope that when we come together and when we discuss issues that the interest of the people remain paramount.

I just want to go back to the timelines. If the issue now is April 2018, you know, it gives the impression that this is a new discussion or something that has just appeared, and we need more time, but, you know, in 2000 there was a Special Select Committee, and then in 2011, a document that Sen. Mark referred to, which was the agreement signed between the Parliament of Trinidad and Tobago and the UNDP, and that looked at strengthening the Parliament of Trinidad and Tobago, and a key component of strengthening the Parliament was parliamentary autonomy. In 2014 there was the draft Houses of Parliament Bill, which is the Bill that Sen. Mark is asking that we can look at. So we do not have to reinvent the wheel or go backwards, or figure out where we should be going, that work has already been done.

What we have to do now is commit to action, and I really was prepared to

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Haynes (cont'd)

2018.03.06

have one of those debates where we all agreed, and one of these rare days in adversarial politics where we all said, well, yes, this is something that is good for the nation and this is a legacy that we would like to leave as a Parliament, because we all make up the Parliament: Opposition, Government, Independent, the Senate and the House of Representatives. We are the Parliament so we can have a goal, or an aspirational goal for ourselves, and that is all that we were asking that we commit to, to action this item.

You know, we have as our job a primary legislative function, and one of the ways to enhance the effectiveness of lawmaking and good governance is, as Sen. Small noted, you are having an adequately staffed and resourced Parliament. And it is not so much the question of doing the best with what you have, but are we producing what is ultimately good for the citizens of the Republic of Trinidad and Tobago? You know, and this was an appropriate opportunity for us to discuss again what our aspirational goals are. We do see a lot of dissonance in society and a lot of people who ultimately feel very disconnected from the process, and what happened here, and we can fix that, I believe, if we open up the spaces for more effective scrutiny of the Executive, and this comes with the strengthening of Parliament.

I just want to take a moment to address something that I have noticed in my short time in this Parliament. We all agree that a critical part of the oversight function of the Parliament is scrutiny of the Executive, and we have here, when we look at the progression, one of the steps that we can look at that strengthens our Parliament was the new Standing Orders that happened in the last incarnation of this Parliament which introduced something that I was very proud to have been part of the discussions, which was Prime Minister's question time. This is a way

Parliamentary Autonomy
(Introduction of Legislation) (cont'd)
Sen. Haynes (cont'd)

2018.03.06

that citizens get answers on accountability and oversight. We have here parliamentary question time, and it is on the rarest occasion that I would ask a question during question time, and that is by choice because oftentimes what is meant to be a space to have a clear account and a mature response on the actions the Government or the Executive is taking—or that role of the Executive accounting to the Parliament, I think, dissolves into something less than what it ought to be. [*Desk thumping*]

What we see is persons coming and giving answers that—and I think it comes from— that perhaps it may be that you do not feel to answer Sen. Mark or Sen. Hosein, but the idea is that you are accounting to the population of Trinidad and Tobago. [*Desk thumping*] So, today, when Sen. Mark asked for specifics from the Minister of National Security, he gave what was a very general answer, and did not answer the question. So, Sen. Mark was forced to reword the question [*Desk thumping*] and try again, and this idea of having to force this accountability and force this oversight is precisely some of the things we are trying to guard against. What we are looking for is to build the Parliament up—[*Interruption*]—that we would build the Parliament, and so that the Parliament will not just merely be seen as a space for the Executive, any Executive, to continue its narrative, whether or not the narrative is false, but to be a space that people feel genuinely represented.

A lot of the questions that we raise come from regular citizens. A lot of the Motions on the Adjournment, we do not come up with these things out of thin air. So I think the idea is that we need to find a way for society to once again feel connected to the political process. How does autonomy factor into that, because once we as a Parliament begin to understand our role and function, apart from the

Parliamentary Autonomy
 (Introduction of Legislation) (cont'd)
 Sen. Haynes (cont'd)

2018.03.06

Executive, and what it means for representation, and when we begin to ask ourselves the tough questions: Are we truly representative? Are we truly transparent? Are we truly accessible? Are we truly accountable? And, most importantly, are we effective? When we begin to ask these questions we can think about how these factor in to what we ultimately want to do when we talk about things like autonomy and things like the checks and balances, and the separation of powers. [*Interruption*]

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen The Hon. Franklin Khan): Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday 13 March, 2018, at 1.30 p.m. During that sitting we intend to finally conclude the debate on the Mutual Assistance in Criminal Matters Bill.

Mr. Vice-President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the Adjournment of the Senate. Sen. Mark. [*Desk thumping*]

Strategic Services Agency

(Details of)

Sen. Wade Mark: Thank you very much, Mr. Vice-President. Mr. Vice-President, would-be authoritarians and autocrats utilize the institutions such as the intelligence services as weapons against the democratic and civil liberties of the citizens in their drive to injure and harm transparency, accountability and openness. Intelligence services whose intentions are anti-democratic and anti-people rely on secrecy, and an absence of transparency in conducting their work. Mr. Vice-President, the SSA Act of 1995, Act 24, section 14, states, and I quote:

“Subject to negative resolution of Parliament, the Minister”—in this instance the Minister of National Security—“may make Regulations generally to give effect to this Act and in particular regarding—

- (a) the exercise of the powers and the performance of the duties and functions of the Agency; and
- (b) the conduct and discipline of employees and the disciplinary procedures to be observed in the adjudication of grievances.”

Mr. Vice-President, we are governed by the rule of law and not the dicta of autocrats. There is no one above the law, including the Minister of National Security, the Prime Minister and the Cabinet, [*Desk thumping*] none is above the law. But, Mr. Vice-President, it is now 23 years almost, and even though we were promised in 2016, when we spent night after night debating the SSA, the Government of this country, through the Attorney General, promised us that the regulations governing the SSA will be tabled in short order. Today, Mr. Vice-President, no regulations.

Mr. Vice-President, there are no checks and balances. The SSA is a runaway horse. No checks and balances and, therefore, there are large spaces created for corruption, nepotism, favouritism, and the misuse and abuse of power and resources. Mr. Vice-President, would you believe, in the past few months, scores of workers and employees have been summarily dismissed by the director acting, obviously, on the instructions of the Government, and the Minister of National Security must tell this Parliament today what role he had to play in instructing the director of the SSA to dismiss over 55 workers; [*Desk thumping*] what was his role in this matter; and the Prime Minister’s role, because the Prime Minister is the head of the National Security Council.

Strategic Services Agency (cont'd)
Sen. Mark (cont'd)

2018.03.06

Mr. Vice-President, people have been dismissed, according to reports, without sound industrial relations practises being observed by this Government. Mr. Vice-President, I want to make reference to articles in the *Newsday* of Wednesday 31 January, 2018. The headline is, Former officers accuse SSA director of nepotism, and in that article 35 members of that agency were dismissed in the month of January of 2018. In fact, two months after 35 members of that agency were fired, two former members—so they were fired in November. I think it was a Wednesday in November, I cannot remember the exact date but it was in November, and they were dismissed, and they were offered no explanation. They were given no reason that one could reply on for their dismissal.

Mr. Vice-President, in fact, it was reported in the *Newsday* of the same date, Wednesday 31 January, that they were quoted as saying that the SSA fired them because they failed a company examination, “but none of us underwent any kind of examination”, so how could you fail a man if you had no examination? These are pieces of information appearing in the newspapers and the Minister of National Security has said nothing about it.

We go on to another article on Thursday, 16th of November, when the 35 workers were dismissed, and what they are saying, Mr. Vice-President, they are saying that they are engaging in some restructuring of the SSA. Well, that is a famous word, when you want to fire people you say, restructuring. So they are restructuring and they have dismissed in phases: phase one, 35; phase 2, 17. No, I think it is phase one, 17—phase 2, 35; phase 3—I think they had seven more, and the Minister may want to tell us how many workers have been dismissed since the new Director, Robinson, took charge of that agency. [*Desk thumping*] We would like him to tell us how many are gone.

UNREVISED

Strategic Services Agency (cont'd)
Sen. Mark (cont'd)

2018.03.06

Mr. Vice-President, you know what employees are saying, according to this article, and I quote:

“The terminated employees said the organisation was being used as a political tool and only those who were favoured by some of the directors had been promised security of tenure. Another affected worker said”—according to the article—“some of his colleagues, who were not favoured by SSA directors, reported for work but were given nothing to do.”

Mr. Vice-President, these are some of the stories that we have coming out of the SSA. The SSA has become a dark blot on the landscape of this country. This is a local SSA. Is that part of the experience that we have had, Mr. Vice-President, in Nazi Germany? What is happening here? Mr. Vice-President, this is a democracy, and I want to tell you, the CIA has checks and balances, the FBI has checks and balances, the MI5 has checks and balances; in Trinidad and Tobago the Government has removed from the Freedom of Information Act, the SSA. The Government has refused, 23 years after, Mr. Vice-President, to bring regulations to govern this agency.

Mr. Vice-President: Senator, you have one more minute.

Sen. W. Mark: Yes. So I am calling on the Minister to level with the population: How many workers had been fired? Why have they been fired? When are you bringing the regulations, Mr. Vice-President? And what checks and balances are you offering the people of this country to ensure that you do not reach despotism, nepotism, corruption, favouritism, and the abuse and misuse of power? I thank you, Mr. Vice-President. [*Desk thumping*]

Mr. Vice-President: The Minister of National Security. [*Desk thumping*]

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Mr. Vice-President. Mr. Vice-President, as I sat here and listened to Sen. Mark, I throw my mind back to my days in school listening to Shakespeare who once says, “the eyes sees not itself, but by reflection”, and I surmise that by saying we are basically—*[Interruption]* You see, our perspectives are based to a large extent on our experiences, and we know for a fact the Sen. Mark’s experiences between 2010 to 2015, with respect to the SSA, are what is reflecting on him today, and I believe this is where he is getting his perspective from. *[Desk thumping]*

Sen. Baptiste-Primus: Selective amnesia.

Hon. Maj. Gen. E. Dillon: Of course. You see, Mr. Vice-President, I do not feel that Sen. Mark or the last administration has any moral authority whatsoever *[Desk thumping]* to talk about responsibility and accountability with respect to the Strategic Services Agency.

Mr. Vice-President, between 2010 and 2015, when the last administration took over the reins of power, one of the first things they did was to dismantle the security agencies in Trinidad and Tobago. And, more importantly, or more specifically, dismantle the Strategic Services Agency, and they did that in a manner to put this country’s security in jeopardy, to put this country’s security at risk for the people of Trinidad and Tobago. They destroyed it completely.

Mr. Vice-President, the Strategic Services Agency was established in 1995, now Chap. 15:06. Pursuant to section 6 of the Strategic Services Act, Chap. 15:06, this agency was charged with responsibility for our national security, for our intelligence gathering. Mr. Vice-President, when one look at what happened between 2010 and 2015 one can recall the last administration, with no accountability, no responsibility, which was the buzzword of Sen. Mark, fired the

Strategic Services Agency (cont'd)

2018.03.06

Sen. The Hon. Maj. Gen. E. Dillon (cont'd)

then Director, Nigel Clement, without any reason whatsoever, without any justification. Where was the transparency then? Where was the accountability then? [*Desk thumping*] Where was it during that period?

As a matter of fact, the State, this Government had to pay Mr. Nigel Clement for the actions of that administration, for their callousness with which they destroyed that gentleman's career. [*Desk thumping*] Accountability and transparency? Mr. Vice-President, who did they hire as the Director then? No advertisement, no selective processes—a computer technician, a telephone operator was then appointed the Director of SSA. Where was the accountability? Where was the responsibility? [*Desk thumping*] You are coming to this House now to ask this administration about accountability and responsibility? [*Interruption*]

Sen. Ameen: It is not for us, it is for the people of Trinidad and Tobago.

Hon. Maj. Gen. E. Dillon: Come on, and it is the people of Trinidad and Tobago that I am talking to. I am reminding the people of Trinidad and Tobago. [*Interruption*]

Sen. Ameen: Mr. Vice-President, I apologize. [*Crosstalk*]

Mr. Vice-President: I listened as Sen. Mark made his contribution with all the passion in the world and there was silence, please allow the Minister of National Security the same courtesy, silence when he is making his contribution. Continue.

Hon. Maj. Gen. E. Dillon: Thank you, Mr. Vice-President. I want us to remind the population of Trinidad and Tobago, who I am speaking to right now, of the callousness, of the recklessness of the last administration with respect to destroying the Strategic Services Agency, and I will remind them, and will continue so to do, in and outside this House. [*Crosstalk*]

Strategic Services Agency (cont'd)
Sen. The Hon. Maj. Gen. E. Dillon (cont'd)

2018.03.06

6.15 p.m.

Mr. Vice-President: Senators, Senators, again, I am not going to say it again. Complete silence when he is making his contribution. Senator, continue.

Hon. Maj. Gen. E. Dillon: Thank you very much, Mr. Vice-President. [*Desk thumping*] The truth hurts, you know. It hurts. [*Crosstalk*] It hurts. It hurts.

Mr. Vice-President, and it goes on, you know, it goes on, because after they finished appointing Resmi as the director they went on, again, to bring on Mr. Bisnath Maharaj, no selective processes whatsoever. He was selected and handpicked as the director. Where was the transparency? Where was the accountability then? Where was it? It was non-existent during that time to the extent where, again, this Government had to end up to restructure. And that is why we had to structure, you know. We had to rebuild the Strategic Services Agency because it was destroyed, completely destroyed by the last administration and, therefore, the restructuring had to take place as a matter of urgency to provide for the security of this Republic of Trinidad and Tobago. And, Mr. Vice-President, I can tell you that this Government put in place a Strategic Services Agency that will redound to the benefit of Trinidad and Tobago, [*Desk thumping*] one that we restructured and is based on accountability and transparency.

Mr. Vice-President, in our selection process the director of the Strategic Services Agency has the remit to do his advertisement, to select his people and this is done in a very transparent manner and an accountable manner. The following steps are, in fact, done in terms of selection processes in the SSA. There are written assessments which never happened before in 2010/2011, psychometric testing, security vetting, interviews, polygraph examinations, medical examinations. Again, these things were suspended between 2010 and 2015.

UNREVISED

Strategic Services Agency (cont'd)
Sen. The Hon. Maj. Gen. E. Dillon (cont'd)

2018.03.06

As a matter of fact, the process was in such a way that the director then, members of his family were seen to be recruited and selected or employed, members of politicians of the other side were employed, and I am stating this because I can support them with facts. I will call no names because that is not my character so to do, but I can tell you, during that last administration it was no transparency, corruption took place to the extent where family members were recruited and employed, members from MP offices were employed in the Strategic Services Agency with no vetting whatsoever and were paid very handsome salaries. Accountability and transparency? Come on, Sen. Mark, do your homework. [*Desk thumping*] Do your homework and understand that you cannot bring these kinds of Motions here when you have so many things to answer during the period that you were in power.

Sen. Mark: Who do you think you are, a dictator?

Hon. Maj. Gen. E. Dillon: Your words, not mine. But let us talk to the population. Let the people understand what we are talking about. Let them understand what we are talking about.

And so, Mr. Vice-President, the SSA personnel regulations to codify and expand the recruitment and discipline process were presented to the LRC, and I am giving you a status report. They are, in fact, at the LRC right now with a view to bringing them before the House, and that is being worked on as we speak.

But when we look at the recruitment process under this administration, a candidate for appointment as director or deputy director, which is contrary to what happened in the last: must be a citizen of Trinidad and Tobago; be not less than 18 years of age; be required to pass a medical examination conducted by a registered medical practitioner; successfully clear the security vetting process—that did not

Strategic Services Agency (cont'd)

2018.03.06

Sen. The Hon. Maj. Gen. E. Dillon (cont'd)

happen, Mr. Vice-President—be required to undergo psycho-physical detection, deception examination, psychological testing and testing for drugs. In the last administration these things did not occur. No accountability, no transparency.

Mr. Vice-President, I can assure you that under this administration the restructuring of the Strategic Services Agency is now an agency that is professionally developed, professionally managed to treat with the issues of security in Trinidad and Tobago, accountability and transparency is the hallmark of that agency and it will redound to the benefit of the people of Trinidad and Tobago. I thank you. [*Desk thumping*]

Mr. Vice-President: Sen. Mark, next Motion.

Government's Determination of Rate Increases

(WASA and T&TEC)

Sen. Wade Mark: Yes. Thank you very much. Mr. Vice-President, over the last few months, we have observed a trend involving Government Ministers seeking by their public utterances to influence, directly and indirectly, the determination of rate increases for T&TEC customers and for WASA customers.

I was astonished to have read some time ago that the Minister of Public Utilities, the Sen. The Hon. Robert Le Hunte is reported to have insinuated in an article in the business news, *Loop* news they call it, on October 11, 2017 when the headline read:

“Minister: T&T too dependent on Gov't subsidies.”

And in that article in the *Loop* newspaper the hon. Minister went on to indicate that an increase in utility rates is pending as the RIC is currently reviewing these rates. Now, Mr. Vice-President, this is a salvo issued by the Minister.

Then I go to another article in the *Trinidad Guardian* on Sunday, December

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. Mark (cont'd)

2018.03.06

31, 2017, written by a lady called Shaliza Hassanali. The headline is:

“WASA overstaffed by 2,000 employees.”

And, again, in this article the Minister indicates and he has not denied it:

“Rate increases coming next year.”

And I waited from December to now to see if the hon. Minister Robert Le Hunte would have denied the statement attributed to have been made by him by this writer in the *Guardian*, Shaliza Hassanali. There was no rebuttal, so I could only assume that the hon. Minister made these remarks. You cannot come today to deny that. You should have denied that before.

So, Mr, vice-President, here it is, a Minister who is supposed to be neutral in these matters is indicating to the country, when there is an independent commission established under law called the Regulated Industries Commission whose mandate is to determine these matters, is being determined for us by what a Minister says. So, is Hyacinth Guy, the chairman of the RIC a puppet, a stooge or a tool of the Government?

Mr. Vice-President, it becomes, no, no, it becomes even more interesting as we proceed. I go to the *Guardian* of October 6, Friday and the headline is:

“WASA, T&TEC rate review to be completed.”

But what is even more interesting here is that before any consultation is made, the Minister of Finance gets into the dance, and not only does he get into the dance, you have the lady who is in charge, Hyacinth Guy, who is supposed to be the person making the decision even before a consultation is had, projecting increases in utility rates for both T&TEC and for water, WASA.

Mr. Vice-President, what is going on in Trinidad and Tobago? Have we lost our marbles? How can a chairman of an independent commission, before you do a

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. Mark (cont'd)

2018.03.06

final review, could be predicting increases in rates for T&TEC people, customers, and for WASA employees? I quote, I go to the Minister of Finance first.

“Imbert...”—

According to this article says:

“...the new rates will be imposed in 2018.”

This is Mr. Imbert, eh.

“...the new rates will be imposed in 2018.”

Now, it goes on, Hyacinth Guy who is chairman—

Sen. Baptiste-Primus: Dr. Hyacinth Guy.

Sen. W. Mark:—well, you want for speak for me? Well, allow me to speak, “nah”. [*Crosstalk*] I am quoting—[*Crosstalk*]—Mr. Vice-President, I am quoting from—no. I am quoting from the newspaper. I am not quoting—Mr. Vice-President, protect me from this invasion—

Sen. Baptiste-Primus: What invasion?

Sen. W. Mark:—of my space. [*Crosstalk*] Mr. Vice-President, may I continue with your protection, please?

Mr. Vice-President: Members, we do not have long again. This is a Motion on the Adjournment. Please allow the Member to make his contribution in silence in the Chamber, so that he can complete this Motion on the Adjournment. Continue, Sen. Mark.

Sen. Ameen: Do not let them distract you.

Sen. W. Mark: I know she has a special place in her heart for me. Mr. Vice-President, may I continue? Guy, and my friend told me, Dr. Hyacinth Guy said:

“...the RIC has been working apace with the review process for the last few

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. Mark (cont'd)

2018.03.06

months.”

It goes on:

“Once the reviews are completed...”

Now, Mr. Vice-President, listen carefully, eh. Listen to the language coming from this lady and is being quoted:

“Once the reviews are completed, the new rates will be handed over to WASA and T&TEC, following which the population would be informed what the tariffs would be.”

Mr. Vice-President, Hyacinth Guy, Dr. Hyacinth Guy, the chairman of the RIC should tender her resignation immediately [*Desk thumping*] from the RIC. How can a person who has been appointed there, and is supposed to be objective, not a consultation has been held in this country on WASA increases or T&TEC increases. And here you have the chairman of this RIC telling the country:

“Once the reviews are completed, the new rates will be handed over to WASA and T&TEC, following which the population would be informed what the tariffs would be.”

Mr. Vice-President, how does this lady know that after the various consultations there will be an increase in rates? She cannot predict that, that is a matter that must go through phases and processes and stages, and this lady is predicting increases.

Did that come about as a result of the promptings by Sen. The Hon. Mr. Robert Le Hunte? Did it come about as a result of the promptings made by the Minister of Finance? Who was responsible for telling and directing the chairman of the Regulated Industries Commission? You see all this consultation, is a charade, is a pappyshow [*Desk thumping*] because you know what happened? We have already decided that there will be rate increases for T&TEC and for WASA.

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. Mark (cont'd)

2018.03.06

So, what is going on?—and that is why I raise this matter, not to bring my good friend out of Ghana, who is now in Trinidad, Sen. The Hon. Le Hunte, is not to bring him into any disrepute. But I want to tell the hon. Minister that it is not his business to predict rate increases. That is not your business. [*Desk thumping*] And the business of the Minister of Finance is not to tell the country that in 2018 rates will be imposed for both water and T&TEC. [*Desk thumping*]

And Mr. Vice-President, what is even more egregious is for the RIC chairman to come and tell this country that there will be increases even before the consultation process has been concluded. Mr. Vice-President, this is not only an assault on our democracy, this is not only an assault on RIC as an institution, it is a complete undermining subversion of the entire process that warrants an objective, independent investigation into all the factors that will eventually determine whether there should be a rate increase or there should not be a rate increase.

I reiterate for the immediate resignation for Dr. Hyacinth Guy at the RIC, and I call, Mr. Vice-President, in closing, for this whole exercise involving the RIC to recommence because it is riddled with bias, it is riddled with bias and therefore, we call for answers from the Government on this travesty that is taking place. Thank you very much, Mr. Vice-President. [*Desk thumping*]

Mr. Vice-President: Minister of Public Utilities.

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): [*Desk thumping*] Mr. Vice-President, it is indeed a privilege to respond to this Motion raised by Sen. Mark as it will allow me the opportunity to set the record straight on an important issue not only for colleagues here in this august Chamber, but also for the broader national community.

This not the first time that Sen. Mark is making this type of accusation in the

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. The Hon. R. Le Hunte (cont'd)

2018.03.06

House. Last year, during his contribution in 2017 budget debate he articulated a similar position. At that time during my maiden address I attempted, best as I could, to respond to that position and put to rest this whole idea and to place in *Hansard* my position, and I quote, and at that time I said:

“...there was a certain statement...made when the debate started by Sen. Mark, to give the impression that I or this Government is going to increase water...”—rates.—“That is far from the truth. We do not have the responsibility to do that. It is being done by the RIC and they will give their evaluation after going through an elaborate process.”

At the Trinidad and Tobago Energy Chamber held in January of this year I, again, highlighted the inclusive nature of the rate review process by saying and I quote:

There is a lot of discussion that is required with the public. There are a lot of service contractors or service agreements that need to be put in place and agreed upon, and when the Regulated Industries Commission is finished they will make their pronouncement.

Subsequently, I gave interviews both on the radio and in print where I expanded on the points made in my budget presentation related to the RIC. In a Trinidad and Tobago *Guardian* article published on February 23rd of this year, for example, I was quoted as saying that.

With regard to the T&TEC application—“...for a rate increase...officials were following the process as stipulated by the Regulated Industries Commission (RIC).”

I also said in that interview and I quote:

“Although it is important to follow the process, we have to ensure that the inefficiencies of the organisation are not passed on to the consumers via a

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. The Hon. R. Le Hunte (cont'd)

2018.03.06

rate increase.”

Mr. Vice-President, there is saying that my grandmother told me that I live by and it is, that the “truth will set you free”. As leaders and citizens of Trinidad and Tobago, we have the responsibility to guide our fellow citizens in the right direction. I have always made the point that leadership is not about being the Prime Minister, it is not about being the Leader of Government Business, and it is not just about sitting here in the House. Leadership could come from anyone in any quarters, and as such at all levels of leadership we have a responsibility to guide the people in the right direction.

I have also, on many occasions, highlighted very clearly one fundamental principle of Economics 101 which states, that there is “no free lunch”.

You would recall, Mr. Vice-President, that even in his budget presentation the hon. Minister of Finance spoke about the false economy that obtains here in Trinidad and Tobago, and he noted, we live in a society where the average citizen does not appreciate the true worth of the services that he benefits from because these things have been heavily subsidized, and because he has not been called upon to pay the true price.

In the case of the public utilities, Mr. Vice-President, I have joined that clarion call to change our perception of these services, and the values that we attribute to them. It cannot be business as usual.

And my contribution to that ongoing conversation was to place on the national agenda the facts, unpleasant as they may be, as it relates to our public utilities services and putting our heads in the sand will not change these facts. As such, I have been on record speaking about customer service, I have been on record speaking about conservation, I have revealed and put squarely on the

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. The Hon. R. Le Hunte (cont'd)

2018.03.06

national agenda the reality of the prices that we pay for water and electricity in this country, vis-à-vis the prices that are paid around the world which, Mr. Vice-President, presently are one of the lowest. And I have drawn the link between those relatively low prices and the level of wastage that obtains here, both in our use of electricity and in our use of water.

In fact, every time we commission lights in community, public spaces, I have urged residents to conserve electricity with the overall aim of conserving our natural gas resources which can then be used to bring more revenue into the country.

Mr. Vice-President, water and energy conservation, a topic that is currently being discussed at various global forums. The Global Water Institute in a recent report noted, around 700 million people in 43 countries suffer from water scarcity. UNESCO estimates that the number will increase to 1.8 billion people by the year 2025. Meanwhile, we live a country where the average person uses between four to five times the daily water usage recommended by the United Nations. And so we as a nation must address our patterns of conservations and the way in which we preserve and treat with our resources. This has been highlighted in my conversation in the public domain, not the raising of public utilities rates as Sen. Mark would have us believe.

Mr. Vice-President, which brings me to another point that I have consistently raised which is the importance of improving the productivity and quality of service of our utilities under my purview. The RIC process for rate reviews includes the review of service levels, and so my emphasis on improving service levels is an attempt to prepare the organization under my purview for this process, and more importantly to ensure that any inefficiencies in the system are

Government's Determination of Rates Increases
(WASA and T&TEC) (cont'd)
Sen. The Hon. R. Le Hunte (cont'd)

2018.03.06

not passed on to the customer via any increase.

In short, Mr. Vice-President, what I have attempted to do over the past few months is to prepare both the organizations under my purview and the general population, not a rate increase, but for rate review that is stipulated under the RIC Act and which I have said before plays an important role in keeping the public utilities healthy and viable.

Mr. Vice-President, we all are aware of the laws governing the RIC. As a matter of fact, the RIC is an independent organization. The board of directors of the RIC are protected by statute, they are appointed by the President, and their tenure is also protected by statute. The RIC has a clear process that talks about consultation, a broad degree of consultation and ensures that it is very fair, and ensures that whatever is their final ruling is one that is first published, discussed, get feedback before a decision is made.

I could speak here that under no circumstances, again, my purview and my intentions during my conversations were to put squarely on the national agenda the facts regarding the public utilities, the rates that are being charged, our conservation of water and what we need to do going forward. Maybe I live in a utopia world and I would have thought that Sen. Mark—

Mr. Vice-President: Minister, your time is up. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.41p.m.