

**SENATE**

*Tuesday, March 27, 2018*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]



**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence to Sen. The Hon. Dennis Moses, Sen. The Hon. Robert Le Hunte and Sen. The Hon. Rohan Sinanan, all of whom are out of the country and Sen. Sophia Chote SC who is ill.

**SENATORS' APPOINTMENT**

**Madam President:** Hon. Senators, I have received the following correspondence from Her Excellency The President Paula-Mae Weekes:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
President of the Republic of Trinidad and  
Tobago and Commander-in-Chief of the Armed  
Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. AUGUSTUS THOMAS

WHEREAS Senator the Hon. Dennis Moses is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, PAULA-MAE WEEKES, 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, AUGUSTUS THOMAS, to be temporarily a member of the Senate, with effect from 27<sup>th</sup> March, 2018 and continuing during the absence from Trinidad and Tobago of the said Senator the Hon. Dennis Moses.

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 23<sup>rd</sup> day of March, 2018.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
President of the Republic of Trinidad and  
Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MS. AYANNA LEEBA LEWIS

WHEREAS Senator the Hon. Robert Le Hunte is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, PAULA-MAE WEEKES, 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, AYANNA LEEBA LEWIS, to be temporarily a member of the

Senate, with effect from 27<sup>th</sup> March, 2018 and continuing during the absence from Trinidad and Tobago of the said Senator the Hon. Robert Le Hunte.

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 26<sup>th</sup> day of March, 2018.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
President of the Republic of Trinidad and  
Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MS. ALISHA ROMANO

WHEREAS Senator the Hon. Rohan Sinanan is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, PAULA-MAE WEEKES, 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 27<sup>th</sup> March, 2018 and continuing during the absence from Trinidad and Tobago of the said Senator the Hon. Rohan Sinanan.

**UNREVISED**

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 23<sup>rd</sup> day of March, 2018.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,  
President of the Republic of Trinidad and  
Tobago and Commander-in-Chief of the Armed  
Forces.

/s/ Paula-Mae Weekes

President.

TO: PASTOR CLIVE DOTTIN

WHEREAS Senator Sophia Chote, S.C., is incapable of performing  
her duties as a Senator by reason of illness:

I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the  
power vested in me by section 44(1)(b) and section 44(4)(c) of the  
Constitution of the Republic of Trinidad and Tobago, do hereby appoint you,  
PASTOR CLIVE DOTTIN, to be temporarily a member of the Senate with  
effect from 27<sup>th</sup> March, 2018 and continuing during the absence of Senator  
Sophia Chote, S.C., 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 27<sup>th</sup> day of March, 2018.”

**UNREVISED**

**OATH OF ALLEGIANCE**

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

Augustus Thomas, Ayanna Leeba Lewis, Alisha Romano and Pastor Clive Dottin.

**WELCOME  
(Sen. Avinash Singh)**

**Madam President:** Hon. Senators, permit me to welcome back to the Chamber today, Parliamentary Secretary in the Ministry of Agriculture, Land and Fisheries, Sen. Singh. [*Desk thumping*]

**LAND ADJUDICATION (AMDT.) (NO.2) BILL, 2017**

Bill to amend the Land Adjudication Act, 2000, brought from the House of Representatives [*The Attorney General*]; read the first time.

**LAND TRIBUNAL (AMDT.) (NO. 2) BILL, 2017**

Bill to amend the Land Tribunal Act, 2000, brought from the House of Representatives [*The Attorney General*]; read the first time.

**STATE SUITS LIMITATION (NO. 2) BILL, 2017**

Bill to repeal and replace the Crown Suits Limitation Ordinance, brought from the House of Representatives [*The Attorney General*]; read the first time.

**PAPERS LAID**

1. Consolidated Financial Statements of Caribbean Airlines Limited for the financial year ended December 31, 2014. [*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 Land Settlement Agency for the year ended September 30, 2010. [*Sen. The Hon. A. West*]

3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Land Settlement Agency for the year ended September 30, 2011. [*Sen. The Hon. A. West*]

## **JOINT SELECT COMMITTEE REPORT**

### **(Presentation)**

#### **Local Authorities, Service Commissions and Statutory Authorities**

#### **Chaguaramas Development Authority (CDA)**

**Sen. H.R. Ian Roach:** Madam President, I have the honour to present the following report:

Ninth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA), Third Session (2017/2018), Eleventh Parliament on an Inquiry into Certain Aspects of the Operations of the Chaguaramas Development Authority (CDA).

### **URGENT QUESTIONS**

#### **Fire in St. Madeleine and Diego Martin**

#### **(Assistance to persons left homeless)**

**Sen. Wade Mark:** Thank you, Madam President. To the hon. Minister of Social Development and Family Services: Can the Minister indicate what action is being taken to assist the 19 persons who have been left homeless as a result of recent fires in St. Madeleine and Diego Martin?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you, Madam President. The Ministry of Social Development and Family Services is one of the second responders responsible for providing support to needy families and individuals in crisis and emergency situations or who are victims of natural or man-made disasters. The fire victims in St. Madeleine were visited by officers of both the National Family Services and the Social Welfare

Division. Three of the four affected families were assessed and two families were provided with food support, while one family is expected to return with documents for processing by the Ministry today. The next family will be visited by social welfare officers today and an assessment will be completed subsequently. The families were also offered psycho-social support and counselling services by the National Family Services Division.

With respect to the fire in Diego Martin, the Ministry sought to make contact with one of the victims for which a telephone number was provided but was unsuccessful and will continue to make attempts to make contact with the affected families to provide the necessary support. The services available to victims of natural and man-made disasters from the Ministry of Social Development and Family Services upon completion of needs assessments are as follows:

- Household items up to \$10,000.
- Clothing grant, \$1,000 per person.
- School supplies \$1,000 per child attending secondary and \$700 a child attending primary.
- House repairs up to \$20,000.
- House rental grant of \$2,500 per month for an initial period of three months if alternative accommodation is acquired. This may be extended a further three months at \$2,500 per month dependent on the need of the family and subject to further assessment.
- The emergency food support and counselling services provided by the National Family Services Division.

Accordingly, all the affected families will be visited by officers of the Ministry of Social Development and Family Services. Thank you.

**Madam President:** Minister, your time is up. Next question, Sen. Mark.

**Residents of Four Roads, Tamana**

**(Resumption of potable water supply)**

**Sen. Wade Mark:** To the hon. Minister of Public Utilities: What is being done to ensure an immediate resumption of a potable water supply to the residents of Four Roads, Tamana?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, the disruption of the water supply is caused by land slippage which has affected the distribution main in that area. WASA is at work to reroute the distribution main and we expect to have the water supply restored by Wednesday, tomorrow afternoon. Thank you very much.

**Madam President:** Next question, Sen. Mark.

**Trinidad and Tobago Defence Force**

**(Poor Food Quality)**

**Sen. Wade Mark:** To the hon. Minister of National Security: Can the Minister indicate what action is being taken to address complaints from members of the Trinidad and Tobago Defence Force about poor food quality being provided to them as a result of a reduction in their budgetary allocation?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam President. Madam President, allow me to indicate that within the Ministry of National Security, every effort is being made to ensure that not only the members of Trinidad and Tobago Defence Force but all agencies in the State are provided with balanced meals with their following cost-cutting measures. One issue to state is that the Chief of Defence Staff himself has, in fact, asked his formation Commanders to pay particular attention to the preparation of meals. He has also instructed them to look at priority of purchase with respect to

ingredients. Also standardization of menus, centralizing of purchasing of food for further benefit for economies of scale. And this, of course, understanding the economic situation in which we live in today, as Minister of National Security, I am, in fact, having discussions with the Minister of Finance with respect to additional releases to satisfy this requirement. [*Desk thumping*]

**Sen. Mark:** Could the Minister confirm newspaper reports that our soldiers and members of the Defence Force are now being subjected to the consumption of pancake and leftover tunas? Could you confirm that with this honourable House?

**Hon. Maj. Gen. E. Dillon:** Madam President, I cannot confirm that.

**Sen. Mark:** Can the hon. Minister indicate when action will be taken to ensure that balanced meals are provided or will be provided to the men and women of the Trinidad and Tobago Defence Force? When would that occur, Mr. Minister?

**Hon. Maj. Gen. E. Dillon:** Madam President, the Chief of Defence Staff has informed me that all efforts are being made to provide balanced meals to the members of the Defence Force as we speak.

**Madam President:** Next question, Sen. Hosein.

### **Ministry of Sport and Youth Affairs**

#### **(Basis for settlement cost covered)**

**Sen. Saddam Hosein:** Thank you very much, Madam President. To the Minister of Sport and Youth Affairs: Given recent reports that the taxpayers have been made to cover the cost of \$150,000 settlement in the Ministry of Sport and Youth Affairs, can the Minister indicate the basis for this settlement?

**The Ministry of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. A trade dispute was filed before the Industrial Court by a union naming the Ministry of Sport and the Chief Personnel Officer as responding parties. The matter involved a claim for a

dismissal that was not in accordance with good industrial relation practices. This matter was settled based on advice from external counsel, the settlement being TT\$150,000.

**Sen. Hosein:** [*Desk thumping*] Madam President, could the Minister say what is the Government and Ministry's policy as it relates to settlements for claims regarding wrongful dismissal and sexual harassment under the guise of non-disclosure agreements using taxpayers' funds?

**Madam President:** Sen. Hosein, I will not allow that question. Next question, Sen. Hosein.

**Sen. Hosein:** Madam President, could the Minister categorically deny or confirm yes or no that the Minister of Sport is the person who is named—[*Interruption*]

**Madam President:** Sen. Hosein, I will not allow that question. Next question, Sen. Richards.

### **Recent Video**

#### **(Authenticity of Persons)**

**Sen. Paul Richards:** Good afternoon, everyone. Thank you, Madam President. To the Minister of National Security: Given the recent video of showing someone dressed in a police uniform allegedly engaging in an illegal drug transaction, can the Minister indicate whether the authenticity of the video and the identity of the persons involved have been ascertained?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam President. Madam President, yes, the authenticity of the video has been ascertained.

**Sen. Richards:** Can the Minister indicate if one of the persons involved is a present member of the TT Police Service?

**Hon. Maj. Gen. E. Dillion:** Madam President, yes.

**Sen. Richards:** Can the Minister indicate a timeline on when an investigation into this incident can be expected?

**Hon. Maj. Gen. E. Dillion:** Madam President, I cannot give a timeline. The matter is being dealt with by the Commissioner of Police who has, in fact, referred the matter to the Professional Standards Bureau.

### ANSWERS TO QUESTIONS

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Madam President, we ask for a deferral of Questions 62, 64 and 65 as the Minister of Finance is not in the jurisdiction and we will be answering Question Nos. 88, 89 and 90.

**Sen. Mark:** Madam President, may I seek your indulgence?

**Madam President:** Before I—Questions 62, 64 and 65 are deferred for two weeks. Sen. Mark.

**Sen. Mark:** Madam President, because the Minister of Finance is not in the jurisdiction, does it mean that there is nobody in the Government who is competent to answer this question?

**Sen. The Hon. F. Khan:** I was just trying to be transparent with the hon. Senator but I could have easily said, we asked for a two-week deferral and that is within the Standing Orders.

**Sen. Mark:** Madam President, as I am on my legs, may I ask you to ask my hon. colleague, the Leader of Government Business, who gave you and this honourable Senate an undertaking last week that he would report to you and this honourable House on the question that has been languishing on the Order Paper for a considerable period of time?

**Sen. The Hon. F. Khan:** Madam President, with the humblest of apologies, I seek your indulgence as I was informed by the Ministry of Public Administration and

Communication that they are presently seeking a legal opinion with regard to the issue of answering this question as there are concerns of confidentiality of the parties involved. The matter has been referred to the Solicitor General for her advice.

**Sen. Mark:** Madam President, I would like you to rule on this matter. Once a matter has been approved by the President and the Parliament constitutes an arm of the State under the Constitution, no Ministry, which is a subsidiary of this Parliament and the Constitution, can tell this Parliament they are not answering the question and they are now seeking a legal opinion. That is unacceptable, inexcusable. [*Desk thumping*] Madam President, I seek your intervention and your ruling and your direction on this matter. This is unacceptable.

**Madam President:** Sen. Mark, I did not hear that there is a refusal to answer the question. You may recall that Standing Order 27, I think, has already been invoked and therefore, that Standing Order—the steps that have been taken pursuant to that Standing Order are still outstanding and I await the response from the relevant Ministry.

**Sen. Mark:** May I ask, Madam President, how soon the—[*Interruption*]

**Madam President:** No, Sen. Mark, let us leave it at that and there are steps that have—the Standing Order is there and I understand the steps that have to be taken.

## WRITTEN ANSWER TO QUESTION

### *Galleons Passage*

#### (Transportation Cost Breakdown)

**63. Sen. Wade Mark** asked the hon. Minister of Finance:

Can the Minister provide a detailed breakdown of the cost of transporting the *Galleons Passage* from China to Trinidad and Tobago?

*Vide end of sitting for written answer.*

**ORAL ANSWERS TO QUESTIONS**

*The following questions stood on the Order Paper in the name of Sen. Wade*

*Mark:*

***Galleons Passage*****(Details of Law Firm)**

- 62.** Can the hon. Minister of Finance provide the following information:
- i. the name of the Law Firm(s) local and/or international involved in the acquisition and purchase of the *Galleons Passage*;
  - ii. a detailed breakdown of all fees paid to the Law Firm(s) referred to in (i) above; and
  - iii. the names of the Attorneys-at-Law involved in said acquisition and purchase?

***Galleons Passage*****(Details of Dunn and Bradstreet Report)**

- 64.** Having regard to the Dunn and Bradstreet Report on the *Galleons Passage*, can the hon. Minister of Finance indicate the following:
- i. the main elements contained in the report; and
  - ii. the cost of said report?

***Galleons Passage*****(Details of Valuation Reports)**

- 65.** Can the hon. Minister of Finance inform the Senate of:
- i. the name of the companies that conducted the two independent valuation reports on the *Galleons Passage*; and
  - ii. the cost of each valuation report?

*Questions, by leave, deferred.*

**St. Francis RC Primary School**

**(Grief Counselling)**

**88. Sen. Khadijah Ameen** asked the hon. Minister of Education:

Having regard to the trauma experienced by students and teachers of the St. Francis RC Primary School, as a result of the murder of their teacher and colleague, can the Minister indicate the following:

- i. whether grief counselling sessions have been conducted with the students and teachers; and
- ii. whether there will be monitoring and tracking of said students and teachers to determine if any success is being realised from said counselling sessions?

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much, Madam President. Grief counselling sessions have been conducted with the staff and students of the St. Francis RC Primary School after the trauma experienced by students and teachers as a result of the murder of their teacher and a colleague. Student Support Services Division personnel, including behavioural specialist, clinical psychologist, school social workers and guidance officers, immediately provided counselling services to the school community. The services took the form of an initial assessment with the principal and staff to identify student needs and the provision of post-trauma interventions for all classes to provide psychological and emotional support for all students and the individual grief counselling for identified students. With regard to the teaching staff, the Employee Assistance Programme, EAP, has provided psychological first aid to teachers. These actions are to ensure that teachers can be emotionally strengthened to return to their normal duties.

In response to the second part, monitoring of students by the staff of the Student Support Services Division is ongoing. Arrangements have also been made

for students who presented elevated levels of distress to continue to receive individual interventions. The Employee Assistance Programme, in consultation with school administration, will provide follow-up sessions for teachers to ensure teachers have received adequate support. Thank you.

**Madam President:** Sen. Ameen.

**Sen. Ameen:** Thank you, Madam President. Arising out of the answer from the Minister with regard to the second part of the question, are the counselling sessions still ongoing? This incident took place about three weeks ago. So is it still ongoing or is it finished?

**Hon. A. Garcia:** Madam President, counselling sessions were held for the first two weeks and as the need arises, counselling sessions will continue.

**Sen. Ameen:** Madam President, I do not know if you will allow me but there was a similar instance in another school regarding a teacher in Tobago.

**Madam President:** No, it has to be specific to this question.

**Sen. Ameen:** Okay.

### **Hand, Foot and Mouth Disease (Treatment and Prevention)**

**89. Sen. Khadijah Ameen** asked the hon. Minister of Health:

What steps are being taken to treat with and prevent the spread of Hand, Foot and Mouth Disease which as at the end of February 2018, is reported to have affected a number of children in Trinidad and Tobago?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. As of February 24, 2018, there were 34 suspected cases of hand, foot and mouth disease. The following steps have been taken to treat with and prevent the spread of the disease.

As of February 2018, physician sensitization and retraining at the primary

and secondary health care levels were conducted in all the County Medical Offices of Health, the CMOH. As focal points, these officers were trained in routine outbreak investigation for communicable diseases and with the principal medical officers are equipped and if required, they increase the alert and awareness at the national level.

Further, these CMOH focal points are mandated to ensure effective transfer of knowledge, competencies and standardized information in the diagnosis and treatment of the disease to the health workers at the various health care institutions.

The development of public education campaigns through the public education subcommittee on vector-borne and communicable diseases, where several tools were developed for immediate alert and pre-emptive measures were sent to members of the medical fraternity, both in the public and private sectors, advising of how to diagnose, treat and prevent suspected cases of hand, foot and mouth disease. Several groups were targeted, including schools, PTAs and children through different forms of media, including talk show programmes, social media and newspapers.

The public education campaign highlighted that while hand, foot and mouth disease is contagious, the symptoms usually resolve on their own within one to two weeks and are generally mild to moderate in intensity.

I wish to take this opportunity to advise the public, on behalf of the Minister of Health obviously, in particular children, to practise the following simple personal hygiene measures that can reduce the risk of infection:

1. Wash hands frequently and thoroughly;
2. Ensure the cleanliness of homes, child care centres and kindergartens and or schools;
3. Avoid close contacts with persons affected by the disease;

4. Cover mouth and nose when sneezing and coughing; and
5. Increase fluid intake to prevent dehydration.

**2.00 p.m.**

**Sen. Ameen:** Thank you, Madam President. I do not know if the Leader of Government is in a position to answer for the information of members of the public. Any kindergarten, school or other institutions who wishes to be part of the public education exercise, how do they go about engaging the Minister or the unit that you have named?

**Sen. The Hon. F. Khan:** Well from what I have here the public education campaign comes through the Public Education Sub-Committee on Vector-Borne and Communicable Diseases. So, I think it is obvious that if you get in contact with that agency, you will be included on the list.

**Sen. Ameen:** Madam President, is the Minister willing to provide a list of those— he indicated where you have had those exercises conducted, those schools and so on, just for our information. It could be submitted in writing at a later date that you could name.

**Sen. The Hon. F. Khan:** I am almost certain that that data is available in the Ministry of Health and I will pass on that information to them and make them comply.

### **Carjackings**

#### **(Southern Police Division)**

- 90. Sen. Melissa Ramkissoon** asked the hon. Minister of National Security:
- In light of recent reports of a number of carjackings in the Southern Police Division in which most of the victims were female, can the Minister inform the Senate of the measures being taken by the Trinidad and Tobago Police

Service to curb such incidents of carjacking, including any measures being taken to protect female drivers from same?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam President. During the period January 01, 2018 to present, there have been 19 reports of larceny of motor vehicles and five reports of robberies in which motor vehicles were taken from the owners in the southern divisions. Of these 24 reports, three of the victims were females and it is therefore recorded that most of the victims were not females as such.

The Trinidad and Tobago Police Service, Madam President, is cognizant of the reports of larceny of motor vehicles in the southern police division. The following measures have been implemented by the Trinidad and Tobago Police Service to address this matter: a public awareness and sensitization—all drivers are informed of safety tips via contemporary and traditional media, such as the Trinidad and Tobago Police Service website, [www.ttps.gov.tt](http://www.ttps.gov.tt), Facebook and Twitter pages as well as the YouTube channel.

The Trinidad and Tobago Police Service television programme “Beyond the Tape” is also a key forum through which sensitization takes place.

With respect to partnership with communities, officers from the Trinidad and Tobago Police Service are critical to this effort and active participation in groups such as station councils, neighbourhood watch groups and village councils are encouraged. Information and maintaining safety is shared in these groups via direct engagements and supported by social media.

Additionally, Madam President, active stop and search exercises are conducted. As part of the core operational activities of the Trinidad and Tobago Police Service, stop and search exercises are actively conducted across the nine police geographic divisions, which include the Southern Division, Madam

President.

**Sen. Ramkissoon:** Thank you, Madam President. Can the Minister please indicate from the 24 cases that you have shared in the Southern Division for car hijackings, how many of these cases have been closed or solved?

**Hon. Maj. Gen. E. Dillon:** Madam President. I cannot say how many cases have been closed or solved. What I can say is that out of the 24 cases, one of the vehicles was recovered in January and five in February and these investigations are continuing.

**Sen. Ramkissoon:** Thank you, Madam President. Are there any closures to the cases indicated by the CID in the Southern Division in relation to closing a gap with car hijackings or as they said in the report, a major carjacking ring in south where bandits target women drivers of the SUVs.

**Madam President:** Sen. Ramkissoon, I think you need to refine that supplemental question a little bit.

**Sen. Ramkissoon:** I will attempt again.

**Madam President:** Yes.

**Sen. Ramkissoon:** So on the 25<sup>th</sup> of the second month, 2018, the CID from the Southern Division indicated that there were several suspects that attempted to crack a major—there were several suspects and they attempted to crack the major car hijacking ring in south. So I am asking the Minister if he can share with us in this Senate what advancements have been done since February 2018 this year in relation to major ring of carjacking—

**Madam President:** Senator, I would not allow that question.

**Sen. Ramkissoon:** All right.

**Madam President:** Further supplementary?

**Sen. Ramkissoon:** I have one more, okay. From your response, Minister, can you

just share with us when in south can we expect to have any kind of involvement from station councils or neighbourhood watch in relation to these car hijackings?

**Hon. Maj. Gen. E. Dillon:** Madam President. The station councils is an ongoing process. The police in all the divisions conduct station council meetings with the various members of their community, so that is an ongoing process and continues throughout the division and I am sure it is also continuing in the Southern Division as well.

**PARLIAMENTARY AUTONOMY  
(INTRODUCTION OF LEGISLATION)**

[Second Day]

*Order read for resuming adjourned debate on question [March 06, 2018]:*

*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 Parliament for early consideration and report. [Sen. W. Mark]*

*Question again proposed.*

**Madam President:** Hon. Senators, those who have spoken on this Motion are: Sen. Wade Mark, who moved the Motion; Sen. The Hon. Jennifer Baptiste-Primus, Minister of Labour and Small and Micro Enterprise Development; Sen. David Small; Sen. Khadijah Ameen; Sen. Daniel Dookie. Sen. Anita Haynes, you have 25 minutes of speaking time remaining.

**Sen. A. Haynes:** [*Desk thumping*] Thank you, Madam President. I would just like to continue this debate on a reflective note. I am quoting here from an article in the *Trinidad Guardian* on Wednesday 11 January 2012, and the quote is from a former Speaker of the House of Commons, Speaker John Bercow who stated that there has been a decline in the deference towards constitutional bodies and he

noted that this decline perhaps was because we as parliamentarians and our parliaments were not living up to expectations. We are to look at yourselves and ask the questions: Are we truly representative, are we truly transparent, are we truly accessible, are we truly accountable, and most importantly are we truly effective?

And I started there because this Motion moved by Sen. Mark, that we have been discussing, has asked for parliamentary autonomy noting that this autonomy will mean a more effective and representative Parliament. The quote is relevant because it says that we have already done the reflections and therefore the call to action listed by Sen. Mark at the end of his Motion is the point in the time line that we have arrived at.

However, as I prepared for the continuation of the debate today, I spoke with some people as to what was going on in the Parliament and what we would be discussing for our Private Members' business, and there was a sense that this Motion on our reflections on things like autonomy seem misplaced at this time. And there was a sentiment that because we have moved, I think over the last couple of years, back to considering our most basic needs. Are we safe? Do we have access to quality health care? Can we afford to educate our children? We are back at a space of protesting for roads and drains, and fear of rains and floods and so this idea of debating lofty ideals such as democracy and autonomy seemed to the people that I spoke with, out of place.

However, because I knew I was continuing my presentation today, I wanted to take the opportunity to say that we should not lose hope. We should not because things are in a state of what appears to most people, a state of collapse, that we should move away from looking at strengthening our institutions and

strengthening our rights and moving power into the hands of the people. And we are doing that by increasing the power of the Parliament.

And I use that quote because it was at a symbolic time for our nation. It was in our 50<sup>th</sup> year of Independence and as we have moved six years on, we are a young nation and we have done a lot by way of sustaining our democracy. We have had for the most part free and fair elections and countries that have gained independence at the time that we gained independence have not been as fortunate. So we need to congratulate ourselves on where we are now.

We have also seen greater improvement. We looked at the revamping of the Standing Orders that allowed for greater accountability via the introduction of Prime Minister's question time, the strengthening of the Joint Select Committees and all of these things have gotten us to a point.

Where we are today is saying, have we done enough? And as I came in here today, I was very heartened to see today's editorial in the *Newsday* and if I have your permission to quote from it? It is entitled "Give Parliament more power" and it speaks about this Motion and it shows that people are paying attention to what we do here, and paying attention to what we say and so that we have, I think, gone past the point of debating whether or not parliamentary autonomy is a goal that we wish to establish. We have established that this is where we want to go. The question now is: What steps are we going to take?

And the editorial notes that:

"While no organization is completely perfect, the Parliament has been"—effectively—"run over the years."

And I think that is something that we can all agree with, that it has been effective.

The question is: Would autonomy improve the effectiveness? And my

answer would be yes. Because once you have an independent institution with controls over its finances and recruitment, then we are saying to ourselves that what we do here as a Parliament is important, equal to what the Executive does and it is an important check, and in our systems of checks and balances, we should want to strengthen this institution.

The article notes that:

“Aside from ordinary business, it has successfully introduced...special projects such as the Parliament Channel which has grown to become an institution on our local broadcasting landscape.”

And there were reflections on why this channel is important and again in congratulating ourselves on where we have arrived at, we should note that because of the Parliament Channel and because of the increased public scrutiny, the public eye, we are more concerned with what we do here and how we behave.

And on the last occasion, Madam President, well it was the Vice-President of the Senate in the Chair at the time, but I had the occasion to raise my particular discontent with the way question time is handled and the manner in which the questions were answered. And after I did that a lot of people came up to me and were discussing well, you know, that they do tune-in because they want to hear what the Executive has to say. They would like to hear the answers to the questions that we pose. And I cannot say that I have noted any improvement since the last occasion, but we live in hope.

The article noted that the strengthening of our Joint Select Committees that we have seen over time has led to greater accountability and it noted that this Motion if we were to move forward and as a Parliament this is where the direction we would like to take our country in, a truly independent Parliament would give

greater power to these Joint Select Committees, thereby increasing accountability and increasing scrutiny on the Executive.

It notes that:

“Parliament’s inability to openly police these matters, however, is not a factor which mitigates against autonomy.”

So that what we are looking at is taking the institution that we have found and strengthening it and making it work for our country.

**2.15 p.m.**

We have, I think, an important question to ask ourselves. You see, constitutions and the constitutional set up are meant to afford the country’s stability, but also be flexible enough to grow with your nation and grow as your nation grows. And so, if you have—and there is a sense that people are disconnected from what happens here. While we sit in Parliament and we have the legislative agenda as presented by the Executive, and we go through the Bills and we go through the day-to-day motions of the job that we have to do here, do people feel like we are representing their interest? And the answer may not be what you would like to hear, simply because there is a sense that we are unable to keep apace with society and to get things done. And so, we have a responsibility to, as a Parliament, listen to the concerns of the population and move in the direction that they would like to see us in.

On the last occasion, Sen. Dookie raised a couple of concerns about whether or not we were doing the best we can with what we have and that we should, therefore, look at our effectiveness within our current structure. However, I think it should be noted that we have moved well past that conversation, simply because we have acknowledged that we are doing very well with what we have, and we

have been able to accomplish a lot. However, what we should be seeking to do is strengthen the institution to give more power to the legislator and, therefore, balance the powers more effectively.

There is a very strong link which binds the concept and the principles of the separation of powers with the values of an autonomous Parliament. When we look at the approaches that we have taken and the steps that we have taken over the years, we can note that in 2014 there was already a Draft Houses of Parliament Bill as produced by a joint select committee and this says, to me, again, that all the work has been done and that we should now be taking the step that Sen. Mark's Motion suggests, and the legislation should be brought to the Senate and taken to a joint select committee because that is the part of the process that we are at.

When reflecting on these things and our job as parliamentarians, we do have a primarily legislative function, and within our lawmaking process, we do have to find a way to make the system more effective. I think Sen. Small on the last occasion spoke about the bulk of the work that we do as parliamentarians, and how much work is done in preparation for each Bill and each Motion, and our role in our joint select committees. And this idea of an autonomous Parliament with a budget that can help facilitate and make this process work better for the citizens of this country, I think is a critical discussion at this point in time, because when you look at the complicated pieces of legislation that come to our Parliament—and, as I have said before, I was educated in the United States system and within their Congress, the members of the Congress and the members of the Senate—and I am aware of the differences between the system—but the staffing that enables each member of the Legislature to function optimally—there are researchers, communication staff and there is a system built around ensuring that those elected

representatives, in their case, have the tools needed to be effective.

We can have that here if we agree that the Parliament is on par with the Executive, because the Executive is well-staffed and well-stocked. The Parliament, on the other hand, while the MPs have certain provisions, the Senators do not, and we have the same input in the lawmaking process. So these things need to be considered as we are thinking about and talking about moving our country forward.

We also have an important oversight function and the function of scrutiny, and when you think about how important the oversight function is and what it means for confidence within the system, I think we would all agree that this is a step that we would need to take. Because when you have questions abounding in the decisions of the Executive—and I am talking here about the things that we have seen pass through the joint select committee, like the ferry scandal, that has been, you know, ventilated within the public—it added a dimension of people saying, well, the Parliament seems to be working for us and this movement towards an independent and autonomous parliament can strengthen that feeling of representation and oversight and scrutiny.

To give the Parliament financial and recruitment independence, we would be saying, as a Parliament, that we stand with the promotion of zero tolerance for corruption, which I think is vital to good governance and where we would want to go. A transparent and accountable Government with freedom of expression that encourages full participation of the citizens in the democratic process is just something that we cannot deny is a goal that we should be putting forward.

We signed on to Latimer Principles in 2003, and we have said, by signing on to that, that we agree to the establishment of scrutiny bodies and that enhances

public confidence and the integrity of our public bodies. So what I am saying is, we have already done all of this work and that we should not stop here. We should now, I think, we are ready to accept Sen. Mark's proposal for the legislation to be laid in the Senate and moved to the joint select committee. The Executive Government being responsible to the Parliament for the exercise and execution of its Executive power, means that we have a system where the Executive is accountable to the people, because that is what the Parliament is supposed to represent and, thus, the strengthening of the Parliament should be part of what we consider our popular will.

So as I reflected on what we needed to do here today, I think we have gotten to the point where we have agreed that parliamentary autonomy is a good thing. We have agreed that it means more effective representation and that it means that we would have strengthened our system of checks and balances; that we would have said here today that power belongs in the hands of the people and that we have an opportunity here today, regardless of our political leanings to say, yes to what is essentially a good thing for our country. We have an even greater opportunity to move from saying yes to actioning what we have agreed to. So that we will say that we are willing to not only talk the talk, but we are willing to walk the walk.

So the commitment to this April 30<sup>th</sup> deadline says that we are not only willing to have conversations about it—and the conversations, as I noted on the last day have been ongoing for several years. We need to now stand, I believe, on the right side of history, and let us be the ones who took what we received here, as a Parliament, and made it better and made it stronger and made it something that the people of Trinidad and Tobago can be ultimately proud of.

And as we are having this discussion here today, I think the Government has also acknowledged that they are looking towards moving to autonomy for Tobago. And so this is not I think—we are not in strange waters here, that this idea that you can recognize that the balancing of powers is important, means that you should be able to recognize that the balancing of powers with respect to the parliamentary autonomy is essential to our democracy and critical to where we want to go as a country, bearing in mind that what we do here is not for today, but it is for future generations, and what we intend to build should stand the test of time and stand for future generations to look on and make sure that we have, indeed, done them proud. With that, I thank you. [*Desk thumping*]

**Sen. Dr. Dhanayshar Mahabir:** Thank you very much, Madam President. Madam President, I had to clear with Sen. Mark, whether I had already spoken on this Motion prior, but I was assured that this is a revised and amended Motion, and so I have another opportunity to contribute. This is, Madam President, a very important and timely conversation we are having with respect to strengthening our democracy. I had cause to refer to the Constitution of the Republic of Trinidad and Tobago, Chapter 4, section 39 says:

“There shall be a Parliament of Trinidad and Tobago which shall consist of the President, the Senate and the House of Representatives.”

So, apart from our Chamber, there are two other arms of the Parliament and, of course, in the State sector we have the Executive and the Judiciary.

And, Madam President, in reflecting upon the Motion of Sen. Mark, I myself, had an occasion to recall my first entry into the Parliament, November 20, 1996, and the first Bill I debated was the Tobago House of Assembly Bill which, at that time, via legislation, ensured that the THA was to be given some 4 per cent of

the budget of Trinidad and Tobago. So we were looking at financial autonomy with respect to administrative processes, but also financial autonomy. And since then, Madam President, I have looked at the developments in the Parliament and we have seen positive developments of the institution of the Parliament. As Sen. Haynes indicated, the Parliament Channel has, because of the increase in our technical capability and the media presence, we have been able to use the Parliament Channel to perform essential work of the Parliament, and there are really two essential functions: one is the legislative function and the other is the oversight. And we have seen the Parliament Channel really taking the work of the Parliament to the people and inviting the people via their interactions to become more participatory in their democracy and that situation, that process, is going to get better.

We have seen since the Tenth Parliament, Madam President, the growth of a number of new committees which did not exist in the Ninth, in particular, the Foreign Affairs Committee, the Energy Committee which has been making so much valuable investigations into that critical sector in Trinidad and Tobago, the Committee on National Security and the Committee which I chair, which is social services. We have seen a number of different committees arising, based upon the evolution of the country and based upon the work of the Parliament, the expertise, which we are developing in the Parliament. So we have been doing, over the last 20 years, a lot of positive work to ensure that the Parliament which really has three separate components, is able to discharge its functions to the people. And what are the functions?

We need to provide the best representation. No one in this Chamber is elected. That does not mean that we are not able to think about the problems of

Trinidad and Tobago, put ourselves in the position of the people—whether they are aligned to political parties or not, look at all people living in Trinidad and Tobago—and we are able to articulate on their behalf measures, legislative measures, which hopefully will improve their lives now and in the future. And we are also able in a reasonably effective way to provide oversight on those who wield Executive power who are here with us as Ministers, who are in the other place also as Ministers—we look at the Executive branch of Government—and we are able to investigate the actions of the Executive, and when we see actions of the Executive which are contrary to the public interest, we are able to alert the population through the Parliament Channel, through the joint select committee system, that we have spotted problems and that we are making recommendations to those who man the Executive to amend their way, so that the public welfare may be improved. And the way we are now structured is that once recommendations are made, there is a process within a two-month period in which there must be a response. We are able to look at those responses and if we are satisfied with them, we accept them and we can have follow-up enquiries. So that the work of the Parliament is ongoing, and I think we need do a bit more with respect to educating the population as a whole on exactly what the day of a parliamentarian may be like.

I imagine, I was not here when Sen. Small made his contribution, but I imagine Sen. Small would have indicated that what the public sees, what they are seeing now, is only maybe a few percentage points of what the parliamentarian has to do when he is not on camera.

We do need to continue this work that we have being doing over the last two decades. We need to ensure that the representation that we give the population is effective, and we need to ask ourselves now: What do we mean by autonomy and

how will autonomy allow us to discharge our functions better? Well, by autonomy, I mean largely financial autonomy, because we do conduct our processes in a relatively autonomous manner now.

In the joint select committee system we regulate our own affairs. No two committees are the same. We decide, as members of that committee, how to conduct our affairs, what is the best course of action and we are autonomous in that way. With respect to how we conduct our business in this Chamber, we are ruled by the Standing Orders and the Chamber has a Standing Orders Committee which is an autonomous committee which will look at the Standing Orders to see how these Standing Orders can be amended. And between 1996 and now, I have seen many changes to the Standing Orders. For example, in this particular 2016 Standing Orders, the most recent, there is the definition of the Co-ordinator of the Independent Bench which existed not before in any other Standing Orders, because we are seeing now that we need to make changes as we go along so that we can perform our administrative functions a little bit better.

What, however, will financial autonomy do? The Judiciary obtains its block transfer. It, of course, must give an account as all agencies. The THA must give an account. It must have its internal audit processes in place. It must prepare its annual reports. It must present them so that the Auditor General can review them. The reports must be approved by the Parliament. So every agency—the Judiciary, THA, the various Ministries, the parastatal agencies, all of us must account including the Parliament. We too must account for the moneys we spend, and if there are any questions, we also must stand ready to answer those questions in a public forum.

So we are not immune from any of the questioning, and I have actually seen

the Parliament appear before a joint select committee of which I was a member. So there is accountability going on. And I think we need to ask ourselves: How will our financial autonomy now contribute to strengthening the institution of the Parliament so that the people's business can be transacted more efficiently and the people's welfare may be enhanced with autonomy?

Madam President, what will financial autonomy do? According to the Constitution:

“There shall be a Parliament of Trinidad and Tobago which shall consist of the President, the Senate and the House of Representatives.”

I imagine if we had financial autonomy, President's House which has been in disrepair since 2000 and which would now be—well I think 2010. It has been in disrepair for quite a while. I do not know if former President Max Richards ever occupied President's House. It was under repair. I think with parliamentary autonomy, we would have been able to look at the Office of the President as an arm of the Parliament as decreed by the Constitution, and we would have ensured that that situation of the deterioration of that monument—that historic building left for us by the colonial administration—would not be in the state that it is in, and we could also think with financial autonomy of having a museum.

When you travel to countries—and Trinidad and Tobago should not have to be copying people. I will come to that. We should be setting the bar. We should have a parliamentary museum as well [*Desk thumping*] chronicling what has happened in Trinidad and Tobago pre-independence, post-independence. We should have a museum tracing our Parliament from the first time since 1925 when there were elections, for the first time. We should have that institution available for all: for Trinidadians, Tobagonians, Caricom citizens and the rest of the world.

This is our democracy, this is the history of it. So I think with autonomy, financial autonomy that is something we can do. If we leave that to the Executive with all the pressures placed on the Executive, some of these issues may fall through the cracks.

Madam President, how could we with financial autonomy really ensure that representation is enhanced? As I mentioned prior, since 2015, we have had new committees, one of which was the Foreign Affairs Committee. I was the first Chairman of that Foreign Affairs Committee, and as Chairman of the that Foreign Affairs Committee, I did not have a clue as to how a Foreign Affairs Committee ought to conduct its business and I needed some technical assistance.

I would have liked to be able to appeal to you, Madam President, the holder of a particular budget, to indicate that I have looked at Parliaments close by—I have looked at Jamaica, I have looked at Canada—I would like if you would agree for a five-day visit so that I could actually find out from the people who conduct such a committee, how they go about doing their business, but we do not have that facility. You do not have a budget. My Presiding Officer does not have a budget, and the work that I should have been able to do, I had to find out on my own. Well, you may argue, since you found it out on your own, you should not really need extra financing, but it becomes easier.

You see, Madam President, that is the same argument that is levelled against academics. Since you could read the journals, why go to a conference? You go to conferences to engage in socializing. Well, the socializing is part of it. It is really boring staying in your office all semester and you look forward to a little conference in your field at the end of the semester. There are certain benefits when you interact face-to-face with your colleagues who are researching the same topics,

and I think in that way you strengthen institutions, you strengthen collaborations.

And in that way, Madam President, as I say, Trinidad and Tobago with the experience we have, should be providing much more technical assistance to our Caricom neighbours on the functioning of the Parliament. It would be good if we could harmonize our Standing Orders. We are looking towards harmonizing a great deal of our trade and monetary arrangements, could we look at our Standing Orders and see to what extent we can harmonize as well certain procedures and protocols on how we conduct our Parliament?

But, recently, in one of the visits I made to represent Trinidad and Tobago, Conference in St. Kitts, the Caribbean participants indicated that it would be good if we, with the experience we have developed, can visit them and provide some kind of training to MPs and their staff there on some of the findings on how we perform our oversight functions. We have, in a very short space of time, I am happy to say—our colleagues in this Chamber and in the other place—have developed a level of expertise in oversight that I think can be of benefit to the strengthening of Caricom. But that would require, Madam President, a budget from my Presiding Officer from which she can draw—when I justify it. I say, this particular Caricom country, during the break I would like to visit to indicate to them what I know together with a particular officer from the Parliament and some of the colleagues in my committee, we can make a three-day trip to peoples elsewhere, but it of course would require the approval because it requires financing.

I think, you know, if we do that and we are able to strengthen the Parliaments in the Caribbean in that way, you will find that many of the problems we experience in Caricom can become less severe. We already would have

integrated, at the parliamentary level, in the sharing of our expertise. That will require, of course, the provision of financing. And if we were to go to the Executive every time to make a justification for that, the process will become cumbersome and many of these initiatives may not materialize.

So I think we do need the ability to disburse our own funds and we do have a protocol to follow. Since we do not draw down on funds simply because it is allocated, we justify, and when we return from our missions abroad, we simply outline what we did. In fact, in my other incarnation at the Caribbean Development Bank, before I came back to base on a Monday morning from visiting one of my countries, I had to present a back to office report. So that there are accounting mechanisms that we can implement—these were the people I met, these were the sessions I held, this is the outcome of the visit and we provide a record of inter-parliamentary associations and assistance.

Madam President, there is a need, certainly amongst the Independent Senators—speak for yourself, I was once told. Do not speak for the whole Bench. Today I am speaking for the Bench [*Crosstalk*] because you see, as an Independent Senator, you do not—[*Crosstalk*] I do not know who said that—speak for yourself. I am speaking for the whole bench. We do not have any research assistants, unlike Members of the Government who may have the political party and the Ministry's staff to assist them with their parliamentary work.

Members of the Opposition would have their political party. There is no such thing as an Independents' political party of Trinidad and Tobago as much as some people may say otherwise. There is no political party, but because according to the Standing Orders, Independent Senators—the new Standing Orders—are required to chair the 66A committees of the Constitution. That responsibility

places upon the Independent Senator, a certain amount of pressure on his expertise, and it would be nice if he can get some research assistance. [*Desk thumping*]

It would be good if you assist us in discharging our functions, because we are now mandated—we have no choice—by the Standing Orders to chair these committees as enshrined in 66A of the Constitution. We could get the assistance so that we could—we do not have to have an office. I understand the space, but via electronic communication I should be able to communicate with my research assistant and tell him or her, could you do the background work on these subjects for me? That is to assist with respect to my work as a committee chairman.

**2.45 p.m.**

I get valuable support from the parliamentary staff, I do, but you see, the parliamentary staff is not dedicated to my committee alone, they are divided amongst a few committees, and I am sure they are overstretched. When I ask for information they do give, but I have to research on my own. It would be good to get a research assistant for that, who will be paid from a budget approved by Madam President. Madam President, there are certain matters that I find particularly interesting, but I have not had the time to research them. The parliamentary agenda is back, and I would like to bring Private Members' Motion. I am thinking about them, but without proper research assistants I cannot frame my Motion in a manner that I would feel comfortable with. Take for example the issue of decriminalizing marijuana—in a recent trip abroad I went to a store and I said, I hope no one is looking at Sen. Mahabir in Canada, because in that store what I saw, it is a marijuana dispensary, marijuana fudge, marijuana sweetie, marijuana cake, and I went in, and they said, no, you cannot buy, you could look, because you need a prescription.

The Canadians are eating the lunch of Trinidad and Tobago when it comes to marijuana medicines which are now known for things like cancer, epilepsy, and so on, and I would like to frame a Motion so that we could debate in the Parliament. I could do it, but I need detailed assistants, it is a sensitive topic. Gay rights is a sensitive topic, I would like to research that; abortion rights, I would like to research it because I am pro-choice and I am very much against discriminating against people of the gay community, and I really would like marijuana, medicinal marijuana, to be in Trinidad and Tobago prescribed. That is what I would like, but I need the research assistants.

How will I get the research assistants? Given the salary that I get from the Parliament, \$13,000, not \$30,000—I will come back to that—13, and I think—to be quite honest it is thirteen and sixty, or something like that. I think that if there was a budget in the Parliament where an OJT can be recruited and retained, and approved by Madam President for three months, I would simply tell my OJT, could you in one month research medicinal marijuana for me, could you in the other month do gay rights? And it has to be detailed because I want to see what other jurisdictions are doing in the world, how I can tweak my Motion so that I can present a watertight argument in the Parliament. That facility is not available to me, and that, I think, is undermining my own ability to become a much more effective legislator than I am currently. [*Desk thumping*]

I would really like if we can have the autonomy to do that without going to the Executive to get approval to say, we need to hire an OJT for Senators on the Independent Bench. Great would be the day, Madam President, when every Independent Senator has a research assistant, an OJT, someone who is doing an MA in Political Science who can be on call for the Independent Members so that

they can do some background research.

Similar, Sen. Haynes is familiar with the US system. Every US Senator has a team of researchers who are looking at matters of interest for that Senator and who are alerting him to what he can do. So you get things like the Dodd-Frank amendment. These things were always made by the researchers on hand. We do not have that and autonomy will allow us to do that. I think that my colleagues here, they, of course, when they come to speak they will of course regale their own experiences in having experiences in having to perform all the work themselves, and we are supposed to be part time. [*Desk thumping*]

**Hon. Senator:** True.

**Sen. Dr. D. Mahabir:** Right. Madam President, I support the Motion of Sen. Mark, and in the Tenth Parliament when Sen. Mark was then the Speaker in the other place, I saw a number of positive changes in the Standing Orders and I am hoping that in the Eleventh Parliament we will continue, because more and more, as much as the talk-show participants like to decry the Parliament, I am sensing that because of what they are seeing on a daily basis, they now make their criticisms tongue-in-cheek. Criticisms are very good, but I am getting a sense that there is more and more respect for the work of the parliamentarian as time progresses, and I am hoping that this will continue.

But, Madam President, let us work on autonomy. Let us work on the formula that we need to provide an amount of resources from the Executive to the legislative arm of the State, and that includes the Office of the President as well. So we would want autonomy for all the arms of the Parliament, financial autonomy. We have other jurisdictions to look at. We can follow what they are doing, and we do not have to reinvent the wheel, we really should now engage in a

public education campaign with the population on why financial autonomy will ultimately be of benefit to them.

However, Madam President, there are some low-hanging fruit that, I think, we ought to pick so that the Parliament as a whole can make life a little bit more comfortable for its Members, and a comfortable Member will be a more productive Member. This vexing issue of facilities for the differently-abled—I know Sen. Roach has spoken on this matter, but, as we speak, Sen. Roach, my colleague, my dear friend and esteemed colleague cannot approach you. And I know we are in a temporary situation with respect to parliamentary facilities, Chamber facilities, and we should get back to our home in short order, but that has been for quite a while. Things in our country take a little time, and we should be looking at facilities for the differently-abled. I do not know if I moved around on a wheelchair like my colleague how I could park in the Parliament's car park across on Dock Road and get from there to here. I do not know how my colleague does it, but I am sure he does it with a great deal of difficulty.

There is, Madam President, something we can do for parliamentarians with young children. In particular, they will be women, but do we have any facilities in the Parliament for a Member of Parliament, invariably a woman who has a child who is a year old or less? When we have long sittings how is she going to make arrangements to look after the baby? Could we not consider—and you do not have to be a woman, in my mind, to look at women's issues, you know, you just have to be a person to look at the problem of another person. Should we not have more young women who have young children participating in the Parliament, after all, when I see so many issues affecting women out there? I think I would like to see women, even though they have commitments of job and commitments of children

to be able to come and participate in the debates and to stay in the Chamber even when we go up to 10 o'clock. Well, we have not gone beyond 10.00 in the Eleventh Parliament, the Tenth Parliament was a different matter. Sen. Small and I, I remember, started one morning at 10.00 and we completed the debate 4.00 a.m. or 5.00 a.m. the next morning—

**Sen. Small:** 5.00 a.m.

**Sen. Dr. D. Mahabir:**—Yes. Thank you, Sen. Small—and I do not know how people were functioning.

I do not know how we functioned, but parliamentary hours can be long and I think we should give consideration somewhere in the first floor of the Parliament to a little day care. Indicate to a young parliamentarian with a young child, not to worry you will have the facilities in the Parliament and we will look after your child while you are in the Chamber. That does not exist now, and I say this, Madam President, because every time I travel I look. I travel on private business, personal expenses because the Parliament has no money to facilitate any kind of travel. I visited the Ottawa City Hall on one of my trips and there were two signs in the Ottawa City Hall—anyone who visited, it is just off Elgin Street—no smoking in this building, and the second sign is, you can breastfeed here any day, any time. And so they made their City Hall user-friendly for women with young children, and I exited on the other door, same two signs, no smoking and breastfeeding. In our Parliament in our nursery we should have that facility as well. That is a low-hanging fruit. That will allow for greater participation, because I sense that mothers with young children may be dissuaded from participating, and for me the objective of a Parliament is to have as wide a representation as possible.

Madam President, another low-hanging fruit, to make us a little more effective on how we conduct our affairs, recently in the news I heard Calypso Rose being given a diplomatic passport, and I said, that made news. Calypso Rose, I sang Calypso Rose's "Fire, fire in yuh wire, wire" when I was about six or seven, everybody knows Calypso Rose, and when I heard that Calypso Rose was given a diplomatic passport I went back to my archives and I found this document. It is red. Sen. Roach can look at it. It is a diplomatic passport given to Dhanayshar Mahabir on January 24, 1989. I was 29 years old and I was given a diplomatic passport by the Caribbean Development Bank. I left it—because I was told I was very bright; I realize I was not very smart to leave the diplomatic passport, and now, 30 years later, when you are going through Piarco with that official passport that you have, I have to take off my shoes and my belt, and everything. Madam President, I raise this because of the following, representing Trinidad and Tobago once—Sen. Mark was with me in London. He travelled diplomatic, I am on official; MP Deyalsingh was with me, both of us were official passports, we got separated on official. I am addressing the General Assembly of the IPU representing Trinidad, but I had to travel like a regular individual with that official passport they gave me.

It would not cost anything to give every parliamentarian, every parliamentarian, 71 of us, this document, and take it back when Parliament is dissolved. That will certainly show a little more respect for the Parliament.

**Sen. Khan:** Sen. Mahabir, it is just for clarification, a diplomatic passport does not exclude you from security checks, okay? And that is a fact.

**Sen. Dr. D. Mahabir:** Thank you very much. It does not preclude you but it certainly makes transit a little easier. It makes it easier. You see the example I am

quoting is, I am representing Trinidad and Tobago, I am not going on a vacation to Geneva. Sen. Mark, a former Speaker is travelling diplomatic, I am travelling on the official, I am taken aside. You are representing Trinidad, official delegation, it does not matter, I think let us harmonize, it would not cost anything to show a little courtesy to all 71 Members, because it should not only be the Executive—the Executive, they get that to flash the red. At 29 years old I was flashing this red; 30 years later I have the regular one.

So, Madam President, that is a low-hanging fruit we can do to show the courtesies, and from the intervention of my good friend and colleague, Sen. Franklin Khan, I have a suspicion this recommendation “eh going no way”. It is not going anywhere, a diplomatic passport for all MPs.

**Sen. Khan:** That is a misconstrued statement.

**Sen. Dr. D. Mahabir:** [*Laughter*] Thank you very much. I said I got the impression. Madam President, I travelled twice to represent the Parliament and I was concerned; I said, suppose I fall ill while I am on official business, is there a medical plan that will look after my air ambulance needs, and so on? I was told, no, it does not happen, try and do not fall and break your leg when you are outside. And so, I think, a low-hanging fruit, we represent the country, let us have a medical plan at least for MPs when they travel. And, well, suppose I were to get ill in Trinidad and Tobago, what are the facilities available while I discharge my functions as an MP? The functions of an MP are onerous. They are demanding. It takes away our time from exercising. Many parliamentarians have fallen ill on the job.

We have a gym upstairs, but I do not have the time to even go and participate in that gym. I would like to think that every MP, once you carry the

title of Member of Parliament, in the other place and here, that you are going to be covered by some kind of medical arrangement. So while you are discharging your functions as an MP on behalf of the people of Trinidad and Tobago, with the \$13,000 that you get as an MP, we are not going to ask you to pay any additional medical bills, the Parliament will cover it for you. I know there is a case where there is a current Minister of Government who is receiving medical assistance, and I am very happy that the current Minister is receiving the medical assistance. I really would like to know if a Senator were to fall ill whether the same facilities will be extended, [*Desk thumping*] and if it is not then an autonomous Parliament, I, as an ill Member, should be able to petition my President and say, President, I have fallen ill on the job, I need the surgery, will the Parliament cover it via the Parliament's blanket insurance?

**Madam President:** Sen. Mahabir, you have five more minutes.

**Sen. Dr. D. Mahabir:** Thank you very much, Madam President.

Madam President, low-hanging fruit, things we can do while we wait for autonomy. There is that issue of the salary, it is not within our control. I think the general population is aware that the salary that we receive does not compensate in any way the efforts that we put in, and the salary really needs to be changed. That is left up to the goodwill and the good graces of the Salaries Review Commission, and I think we will wait until it becomes very chilly in that place where it is said that the undesirable character lives. But while we wait for hell to get a little snowflake and then for the SRC to pay legislators fairly, I think really we need to revisit the issue that I raised. I raised it in the last session, I could revisit it safely now. You see that Retiring Allowances (Legislative Service) Act, which includes some Senators and exclude others, I would invite Government and Opposition

together, Government voted against me, Opposition abstained. I am grateful to my colleagues on the Independent Bench for seeing the merit of what I have to say, because, Madam President, all we need to do is go back to my closing arguments when I argued that we need to ensure that there is an end to discrimination in the Senate. It has absolutely no financial implications for the State because the retiring allowances is a contributory plan that you access when you reach age 55, I think.

Some of my younger colleagues who are age 30 would contribute to the plan and when they leave Parliament for 25 years they will obtain nothing, but at age 55 they will get a quarter of their last salary, which is some \$3,000. I think it will go a long way to saying thank you for the services that you have rendered, because more and more what we are seeing is that the parliamentary agenda is packed. We are not part time in reality, we are part time in name only. Every single day we are here, and I think in order to really represent the people we need to attract the best in our society, and by the best I mean those who are most committed. We need to tell them we will never be able to pay you, but you should be able to say thank you.

I think we need Government and Opposition—just revisit my closing argument when I filed my Private Members' Motion on the Retiring Allowances Act for legislators, and the argument there was a simple one. In order to attract people who will serve let us tell them, you will be able to contribute to a plan, and when you reach age 55 you will get a little quarter of your salary, I think that will go a long way to showing some gratitude.

Madam President, if we in this Chamber, Government and Opposition cannot show gratitude to people in this Chamber, what are we going to leave for the people of Trinidad and Tobago who already hold us in such low esteem?

Revisit the legislative allowances Act, low-hanging fruit, and I think once we are able, Madam President, to get some of those niggling problems out of the way, autonomy will take care of its own and we will see over the next few years better and better representation, and we would see the finest people in Trinidad and Tobago lining up, queuing up to perform the public service in the Senate and in the other place. Madam President, I thank you, and I support the Motion. [*Desk thumping*]

**Madam President:** Sen. De Freitas. [*Desk thumping*]

**Sen. Nigel De Freitas:** Thank you, Madam President, for the opportunity to join this debate moved by the Leader of Opposition Business in this Senate that seeks to address the issue of parliamentary autonomy.

Madam President, I have noted that the other two occasions that this particular Motion came up I happened to be fulfilling my duties as Vice-President of this Senate in another place, and, therefore, on the last occasion of Private Members' Day was the actual first time that I would have heard comments being put forward in this debate. And one of the things that I noted was that Sen. Mark would have suggested in that this being the third attempt at moving this Motion that there was some stalling tactic at play by those that sit on this side, and I just want to put on the record right away that that can be furthest from the truth, and I will deal with that at a later stage in my contribution. But what I have also noticed by the seven Members that have spoken before me is that each and every one, for the most part, has gone in to explain what parliament autonomy is and the principle of the separation of powers, but no one, thus far, has explained exactly why this separation of powers came into being.

Madam President, last year May I had the privilege of being selected to

engage in a course that dealt with parliamentary models at various jurisdictions in the world, and that course would have culminated in a one-week session in South Africa where you would have ended up with a diploma at the end, and one of the topics that we would have discussed would have been separation of powers and parliamentary autonomy, and exactly why that would have come into being. Madam President, one of the reasons that would have happened is that in former governance structures, specifically monarchies where you had kings and queens, or institutions where you had the powers put into one individual in that institution, you ended up with a situation whereby you would have these powers being abused to the point where you would have tyranny, unchecked corruption, and wanton oppression on the very people that you are trying to serve.

And so, Madam President, I think each and everybody in this Chamber knows the saying that “power corrupts and that absolute power corrupts absolutely”, and it is based on that statement that you would have seen individuals when they had all of this power leading to this type of tyranny, this unchecked corruption and this oppression. And when this oppression occurred what you had was that it would have been extended for very long periods of times, because these institutions or these individuals would not want to let go of that power.

So the principle of separation of powers between the three separate arms, namely the Judiciary, the Executive and the Legislature would have come into being through the efforts of a French philosopher by the name of Montesquieu, and you would have heard Sen. Mark mention that name in the moving of his Motion, but the end goal of such an action was to ensure that no one entity has all the power and that each one acts as a check and a balance to the other. So, Madam President, it is in that context that the idea of parliamentary autonomy, both

financial and administrative, has in principle found agreement by all in this Chamber thus far. Where the opinions deviate is in exactly how and what would that financial autonomy or parliamentary autonomy look like, and the time frame in which this should be done.

And, I think every Member that has contributed thus far has indicated that we enjoy a pretty robust level of parliamentary autonomy now as it is, and what we have to ensure when we are thinking of adding more parliamentary autonomies is to ensure that that accountability that we have right now is not undermined in any way. We have to add to that accountability when it is that we are thinking of increasing any parliamentary autonomy.

Madam President, Sen. Mark in his presentation seemed to passionately be advocating for an expedient approach or a sense of urgency to bring in parliamentary autonomy, financial and administrative, to Trinidad and Tobago. However, the impact of such a change, positive as it may be, cannot be rushed and should not be taken lightly. One of the ideas put forward in how to achieve financial autonomy spoke to mimicking the model that is being used in the Tobago House of Assembly right now, and Sen. Mahabir would have discussed this in his contribution, whereby a percentage of the national budget is given, and that model could be adapted to engage in financial autonomy to ensure that the Parliament has guaranteed percentage when the national budget comes into it to be able to spend.

Now, when I first heard the idea I thought to myself, well, that seemed pretty simple, but as I allowed the thought to marinate and I thought for a second, and I looked at the model that he spoke about in terms of mimicking, I realized that there were disadvantages in that model, as well as some advantages. Madam President, one of the disadvantages that I realized, the Tobago House of Assembly every June

puts forward a budget for the governance of Tobago, and in that budget they would put forward estimated expenditure for the year forthcoming, and then in October we hear the national budget, and what usually happens is that in that national budget you would hear that Tobago is getting the legal amount that they are supposed to get, which is just above 4 per cent. And then you end up in a situation where Tobago has now implemented a second budget after that budget to deal with the gap between the estimated expenditure that they would have indicated in June and the percentage of the national budget that was given.

So what I am saying is that the estimated expenditure for Tobago is always more than the percentage that is given, and therefore if we apply that very same model without thinking about it properly you can end up in a situation where the Parliament puts forward estimated expenditure but the percentage that we would have come up with, in whatever formula that was used is less, and then you have to go back to the Executive, through the Minister of Finance to ask for the remainder of money in that gap, thereby undermining the very same parliamentary autonomy, financial, that you were trying to seek in the first place.

We heard Sen. Mahabir in his contribution speak to when he first came into this Parliament how this Parliament has grown naturally over the years. We have had a much larger number of JSCs coming into play. We have had a Parliament Channel start up, and all of these things would carry with it a cost. So there is a natural growth happening under the parliamentary autonomy that we are enjoying now that would increase the expenditure of the Parliament, and, therefore, that is a very real disadvantage that can come into play if you do not get that formula right. Madam President, as I move on to a second disadvantage, which is a subset of the first one, I really want to ask the question: What justification would we use to

come up with that number? That is a real question, because if you get that number wrong what you have end up happening is that you have to keep coming back to the Parliament, of which the Executive is a part, to change that number until you get it right, and if the objective in the first place is to increase your financial autonomy then you would have undermined that if you do not get that number right. When the Tobago House of Assembly went to the Dispute Resolution Commission to get their percentage, or that number, they would have had a number of criteria which they would have used, things like the size of the island, the size of the population, and revenue-generating potential.

So what I am asking is what criteria, given that the three arms of the State are equal in stature, as Sen. Mark has put forward, but they are not really equal in operation. You have the expenditure making up a much larger portion of the expenditure for Trinidad and Tobago, and they are the major arm of the State that is responsible for revenue generation. So the question really is, what justification would be used? How would you come up with that number and how would we guarantee that number is right so we do not end up coming back to the Executive through the Parliament to get the number correct and thereby undermining the very financial autonomy that you are seeking to achieve?

So, Madam President, like I said, it is not impossible to come up with the formula. I am not advocating that we should not try, or anything like that, I am just saying that there are so many different modes and models that could be put forward when you are speaking about parliamentary autonomy, and, therefore, we should not rush to get this done. We should not be applying timelines, we should be taking our time to ensure that we get it right so that we do not end up undermining this parliamentary autonomy that we are enjoying now.

Madam President, those are some of the disadvantages that I came up with when I thought about the one model that was put forward in Sen. Mark's movement of the Motion. Now, it is not without merit and it is not without its advantages, and we have heard most of the Members that spoke before me speak to being more robust in terms of oversight, being more robust in terms of the number of JSCs that you can have. If you were to implement such a model and you were actually able to get the formula right and have a surplus, you would be able to do these things in a greater way. But one of the things that I would like to outline in terms of advantages that nobody has spoken about, and I assume it is just because it has never come up in anybody's mind to date, is the ability of the Parliament to work towards ensuring the parliamentary process is truly reflective of our reality. And what reality is that?—that we are two islands, one country.

**3.15 p.m.**

Madam President, since Trinidad and Tobago has been put together and the seat of Parliament has been put in Trinidad, the parliamentary processes have been very rare in relation to Tobago. What do I mean by that? I can say in this Eleventh Parliament—and Madam President, let me just take this opportunity to commend and thank the Chairmen of the committees on which I sit and the Members for acquiescing to requests to have sittings in Tobago of those Joint Select Committees, when it was asked of them, to deal with enquiries into the Tobago House of Assembly as well as issues that affect Tobago. But really and truly, if this is the Parliament of the Republic of Trinidad and Tobago, that should not be a special mention. That should be something that is part of the norm.

So what I am saying is that one of the advantages, if you were able to get the kind of financial autonomy that you are talking about, where you would get that

surplus using the model that I first identified with the percentage of the national budget, is that you would be able to have more of these parliamentary processes occurring in Tobago. But the most important parliamentary process that has been absent since Trinidad and Tobago has come together is that of Sittings of the Houses in Tobago.

As much as I may understand that the other place, which is the House of Representatives, there is a limitation, in that, being that that House is actually a representation of constituencies, 39 of which are in Trinidad and two of which are in Tobago, and therefore you may not want to have a sitting of the House of Representatives in Tobago, the Senate does not have such limitation. As much as we sit here, we are selected, we do not have constituencies to represent, and the way I see it is that there is really no limitation, other than a financial one, as to why you cannot have a sitting of the Senate in Tobago.

For example, how nice would it be on the Tobago autonomy Bill that would come up for debate at some point in this Eleventh Parliament, to have that Senate Sitting in Tobago, so that the people of Tobago can be a part of that process in the public gallery for this particular Bill, if successfully passed, which would grossly affect their lives? What I am saying is that with financial autonomy and any model that allows for that, you can have an advantage whereby—and just thinking in the future—the Parliament may see it fit to set up an Office of the Parliament in Tobago. In that Office of the Parliament you would have a Chamber, and in that Chamber from time to time when Bills come up in the Senate that could affect the lives of people in Tobago, you would then have that sitting in Tobago.

To me, that is probably one of the biggest advantages of financial autonomy, where you will get parliamentary autonomy, where the Parliament could prioritize

such a thing to ensure that the parliamentary process is truly reflective of the fact that it is the Parliament of Trinidad and Tobago. But that does not mean that you cannot have that now, with the level of parliamentary autonomy that we have. There is really no deterrent, you could have it. Sen. Mahabir in his contribution would have indicated that throughout the years we have seen the Parliament becoming more and more robust by adding the Parliament Channel, by adding Facebook pages, by adding all sorts of programmes to ensure that the oversight mechanism that we enjoy now is very robust.

So as much as I have given disadvantages, I am also saying that the advantages that we have is not to say that you absolutely need parliamentary autonomy to execute them, but you can execute them without. It is just as Sen. Mahabir indicated, it would be easier.

So, Madam President, I think in the end what Sen. Mark is advocating for really is the removal of the ability or the potential in the future for any Minister of Finance to say no to the Parliament or squeeze the Parliament for funds. He did mention again, as most Members did, that so far functionally we have had a certain level of parliamentary autonomy, save for an isolated incident involving Minister Gopee-Scoon. But for the most part we would have enjoyed a decent level of parliamentary autonomy.

I, however, am not quite convinced that this functional parliamentary autonomy that we enjoy now, that we have, is needed to be changed with the kind of urgency that Sen. Mark is purporting. I believe that the reason we have not seen a breach in the parliamentary autonomy that we have enjoyed, is because the Executive sits as part of the Parliament or the Legislature in the system that we follow, which is the Westminster system. It would be undermining oneself if an

executive attempted, through financial constraints of any kind, to squeeze the Parliament for funds, because the very same resources available to every single Bench in this House, is also available to the Executive.

You have in the other House, the House of Representatives, you have the MPs' constituency offices that fall under the Parliament. You have the very chairs that we sit on, the nice plush chairs that we sit on, the food that we eat in the tea room, all of these things are paid for by the Parliament. All of these things are used by the very Executive that forms part of the Legislature, and any attempt to undermine the financial autonomy of the Parliament would lead to that undermining of oneself.

So what I am saying is that the robustness of the oversight that has been added to the Parliament over the years would not allow any government, in the future or otherwise, to undermine that financial autonomy that we enjoy now. Any time that happens, the first thing that you will notice or you will see is the Opposition of the day would get up and would voice that through the various programmes or the various avenues that they have for oversight in this Parliament.

Secondary to that, Sen. Small in his contribution spoke to the public and their perception of the Parliament, but I believe honestly that the public in their perception of the Parliament as an institution still takes pride in a well-functioning, well-run and efficient Parliament, and therefore I do not think that any government would take the risk of undermining the parliamentary autonomy that we have now, lest they have to deal with the backlash that will come from the public and the Opposition in time. But it is more important to realize that due to the cyclic nature of how these things go, that Government may very well end up in the Opposition position and then be at the other end in relation to whatever constraints that they

would have put in place.

Yes, parliamentary autonomy is important. I agree with my colleague, the Minister of Labour and Small and Micro Enterprise Development, Sen. Baptiste-Primus, that such an important change is not to be taken lightly. I do not agree, however, with Sen. Mark that there is any deception on the part of those on this side at all. Let me just address that here.

Sen. Mark is moving a Motion that in principle is agreeable to all, but in moving that Motion is coming across as though he is trying to bully the Government into doing what he wants. He is claiming that this is the third attempt at moving the Motion, and somehow he is discerning that there is some resistance and that is why he amended his Motion to add a timeline. Madam President, this is a Private Members' Motion, and in my time here and in the other duties that I fulfil, I have gotten a better understanding of how the parliamentary processes work.

As far as I understand it, when we have Private Members' Motions you would hear the Leader of Government Business raise on the Motion for adjournment, prior to the Private Members' Day, and he would indicate that the next day is Private Members' Day, and Sen. Mark having 99.9 per cent of the private Motions on the Order Paper would say that Sen. Mark has agreed to do X private Motion. So I do not understand how Sen. Mark could be purporting, that in this being the third attempt, there is some sort of stalling tactic on our end, when he is the one responsible for prioritizing the Private Members' Motions in the first place. He could have easily brought this Private Members' Motion in the First Session of Parliament and ensured it went to completion at that point.

This is why we have to be careful because as much as this Motion is

agreeable, you cannot really take what the Opposition is saying, and you always have to be vigilant in terms of what they are trying to do. So, Madam President, let me just draw your attention, for example, to some comments made by Sen. Mark on the previous Private Members' Day. Sen. Mark said, and I quote:

“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.”

Again, he is blaming Members on this side and saying that we do not understand our roles. I just want Members of this Chamber to listen to what Sen. Mark said a mere two minutes later:

“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, to serve in the capacity of Speaker...”—listen carefully, Speaker—  
”I want to give you the undertaking...”

—and I think everybody who started in the First Session of this Parliament knows that when you utter the word in this Chamber “undertaking”, it is just as good as a guarantee. So he said:

“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.”

And I will address that comment when I am at the end of my contribution. But I go on, he says:

“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. 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.”

Can anybody in this Chamber tell me what is wrong with that statement? Who is confusing roles in this Chamber? Can anyone explain to me how a post that is impartial, a post that is at the very centre of parliamentary autonomy, that we enjoy now and hope to improve, could instruct, could in any way assume or assure the passage of legislation brought by an Attorney General, a Member of the Executive or a party, for parliamentary autonomy? Who is confusing their roles in this Chamber? That statement alone undermines the very autonomy that we enjoy now.

What did Sen. Mark mean by if he becomes Speaker he gives an undertaking, a guarantee that the UNC and their allies will bring parliamentary autonomy to this nation?

**Sen. Ameen:** “You independent?”

**Sen. N. De Freitas:** There is a saying that goes, there is many a slip between the cup and the lip. With that statement, Sen. Mark has thrown away the cup, spilt the contents and stained this very Motion. [*Desk thumping*]

But you know what, Madam President, let me play devil’s advocate for a second. Let us assume by some twist of reality that that particular post had the

ability to influence in any way the legislative agenda by Executive. Who was the person in that post for the last five years previous to this Eleventh Parliament? Somehow that Bill never made it to the floor of this Parliament until 2014.

Secondary to that, there was a joint select committee that was set up when that Bill made it to the floor. Do you know who was the Chairman of that committee? Take a wild guess. The mover of this Motion. That individual had the ability to set the work agenda, to set the progress of that committee, and yet is standing up to say that it was not done, but coming today to dictate to us our timeline, our work agenda and our work ethic. Sen. Mark does not have the moral authority to dictate any timeline on this Motion [*Desk thumping*]

I sit on committees in this Eleventh Parliament, committees that meet every week, that have public meetings every single week, so therefore he cannot dictate to us any timeline. I know it could have been done in the time that he had it to do, and it was not done, and he cannot blame anyone but himself. [*Desk thumping*]

So, Madam President, I give you the undertaking today and the assurance that we will continue our work. With our work ethic and our commitment we will get to parliamentary autonomy as promised in the manifesto and in the legislative agenda, and continue to create laws for the good governance of Trinidad and Tobago. [*Desk thumping*]

Madam President, I would just like to finish with a piece of advice to Sen. Mark in relation to the direct response in the comment he directed at me. I will say to Sen. Mark that by virtue of time and age I can say that you are exhaling in relation to your political career, whilst I am now beginning to inhale. [*Desk thumping*] In your own words, I do not want you to take that negatively. I am not your doctor, as you have mentioned in this Chamber, but I would advise that you

do not hold your breath in that prediction, you will not survive. Sen. Mark, in your own words, do not take it negatively, it is just the truth.

Madam President, on a change of note. In this Chamber we throw our quips and we throw our barbs, such is the nature of debate, such is the nature of a difference of opinion, but at the end of the day we do it for the good governance of this country and we do it for the love of our people. When we leave here and we go home, we close our eyes, we pray always that God continues to bless this Parliament, our people and, by extension, our nation.

Madam President, I thank you.

**Sen. Saddam Hosein:** Thank you very much, Madam President. Before I begin my contribution on this debate, I would just like to take the opportunity to congratulate Her Excellency, Madam President Paula Mae-Weekes on her ascension to the highest office in Trinidad and Tobago, and I note this because the UNC, the United National Congress, has been a very proactive party for participation of women in politics as we have elevated our own political leader as the first female Prime Minister of Trinidad and Tobago. [*Desk thumping*]

Madam President, I say this because women in politics play a very important role, and not enough is being done in order to protect our women in light of recent issues of killings through domestic violence. I say that we are a Parliament and I ask that we deem to strengthen our legislation in order to address these issues. This in itself will increase participation within these Chambers, be it the House of Representatives or the Senate, and including women to join us more and more in these debates, as Sen. Mahabir would have advocated.

But I say this to now respond to some comments that were made by Sen. De Freitas, the Vice-President of the Senate. I am compelled, because we on this side

here, we are a family and when you touch one, you touch all. [*Desk thumping*]  
This Motion is one of parliamentary autonomy. After I heard Sen. De Freitas, I did not know this was a Motion on Sen. Mark. I say that Sen. De Freitas stated that this legislation should not be rushed at all. But I want to remind the goodly Senator that it was since 2003, that is about 15 years ago, we adopted what we call the Latimer Principles. Being a Vice-President of the Senate, I would have hoped to hear that he would have used those terms, the Latimer Principles, because that is the foundation of parliamentary autonomy.

He said we should not rush it, but as a Vice-President of the Senate, as a presiding officer in your absence, Madam President, I would have hoped that he would have said that we should advocate for expediency for parliamentary autonomy. [*Desk thumping*] Because this is the seat of democracy of Trinidad and Tobago, and unlike the PNM, we are not using this debate as a talk shop. We on this side are about action, and our track record for the five years in 2010 to 2015 has proven such.

I say this because we were able to buy a boat, and I say that because Sen. De Freitas—and I welcome his suggestion that we should have debates in Tobago. I think it is a very good idea, but that now begs the question: How are we going to reach Tobago? [*Desk thumping and laughter*] And we cannot get back. If we take the new boat, the *Galleons Passage* we will be sailing above the water, open air, and eating yogurt and almond milk for tea.

Madam President, a lot of work has been done here. Sen. De Freitas says we are rushing, but a JSC was set up for this in the Fifth Session, 2014/2015, Tenth Parliament:

“Pre-policy towards an Independent Parliament—Ensuring Parliament’s

functional autonomy of the Joint Select Committee appointed to consider and report on the Legislative Proposal entitled, ‘The Draft Houses of Parliament Service Authority Bill, 2014.’”

So there is a report, and also there is a draft Bill. I hold the Bill in my hand, the Houses of Parliament Service Authority Bill, 2014. The groundwork is done. Why can we now not do the work? [*Desk thumping*] Why are they afraid to do the work? And this begs the question: Why is the PNM so afraid of granting Parliament autonomy? Why are you afraid of giving Parliament more power? [*Desk thumping*]

You know why, Madam President? Parliament is the institution in which the Executive is held accountable, and we have seen that there have been many dark corners that this Government is taking with respect to their governance. So they would never want to strengthen the democracy in this country.

Madam President, I want to go on to the substantive part of my debate, and that is, I would start off with the general principles of the separation of powers. Sen. De Freitas, Sen. Mark, all of them would have gone through the Montesquieu principles with respect to the development of the separation of powers. The separation of powers itself is enshrined in our Constitution. If we physically examine our Constitution, we would see chapters separate the Judiciary from the Parliament, from the Executive, and this was given in a judgment. They said that the mere structure of our Constitution implies the doctrine of separation of powers. We all know the *locus classicus* case on this, the case of Hinds against the Queen, 1976 All England Reports 353. The essence of that case is that the Judiciary must exercise judicial function, that the Legislature must exercise legislative function and that the Executive must exercise executive function.

So if there is all of this separation, and all of this case law, and all of this doctrine in order for us to operate, I think it is time that we allow all of those things to now materialize so that we have a fully autonomous Parliament of the Republic of Trinidad and Tobago. [*Desk thumping*] But, this Government, they seem to mix up separation of powers and separation of personnel, and I say this because it troubled me to no end when a Government Minister could have read out a search warrant in the Parliament of Trinidad and Tobago. Madam President, that was a spoke, that was a dagger in the heart of our democracy, where a search warrant was read out in this Parliament.

I say that when we examine the doctrine or the idea of parliamentary autonomy, there are two areas in which we can look at autonomy. First, we look at financial autonomy and then we can look at administrative autonomy. I want to start off with the issue of administrative autonomy. If we look at the draft Bill, it says, the first paragraph of this Bill says:

“A modern Parliament must be administered and managed efficiently and in a manner which ensures the autonomy of the Parliament and its staff. The present Office of the Parliament is part of the Public Service and its staff comprises public officers subject to the Public Service Commission. There is no supervision of the Office of the Parliament by the Members of Parliament collectively. There is need for greater financial autonomy and to attract and retain highly competent staff.

This Bill seeks to achieve efficient and autonomous management and administration of Parliament by dismantling and replacing the existing public service model with an independent, nonpartisan Houses of Parliament Service Authority...a body corporate, to be managed by a Board comprising

Members of Parliament, representatives of the Government, the Opposition and the Independent Senate bench, and chaired by the Speaker.”

So, Madam President, we are seeing that this is a very progressive debate. This is a debate in which we can actually change the way in which the Parliament operates, and I am very grateful that I am able to contribute to such a debate, because when you look at the clauses of this Bill it is very instructive.

If you would permit me, Madam President, when you look at clause 7 of the Bill it establishes the Authority that I just mentioned. When you look at clause 9 it gives the Authority certain powers, and some of those powers are:

- “(a) the provision of sufficient clerical staff, attendants and other staff to enable the Houses of Parliament and committees thereof to operate efficiently;...
- (b) the provision of”—professional—“advice on parliamentary procedures and the functions of Parliament generally; and
- (e) the provision of dining facilities...”

Care of the parliamentary surroundings and the buildings, security, accurate reporting:

“...library and research facilities and services for Members of Parliament...”

So this is a very important issue in terms of granting the Parliament administrative authority.

When we look at the staffing of the Parliament, I would like to go on record to say that I would like to congratulate the staff of the Parliament. They have been very hard-working, very, very hard-working. [*Desk thumping*] They have been cut from a different cloth from the rest of the public service, because all of us in this Senate, I am sure, have experienced the bad end of the public service.

When we look at the vacancies in the public service, it is over 9,000. So you cannot even fill these vacancies and now you want to staff Parliament? Give Parliament the power to determine its staff. [*Desk thumping*]

There is an article by Gail Alexander from the *Trinidad Guardian* published Wednesday, April 26, 2017. She says Prabhawatie Maraj Deputy Director of Personnel Administration said there are approximately 9,000 job vacancies in the service; 4,036 specific vacancies and about 4,551 generic ones.

So we are seeing all this inefficiency within the Public Service and the Public Service Commission. Give Parliament the power. It would actually ease up the work of the Public Service Commission and would actually advance the work of the Parliament, because it takes time to fill those vacancies, for advertisement and to go through all of the bureaucracies when right here in the Parliament there are specialized duties which persons have to perform. For example, the duties of the Table, which the Clerk of the House and the Clerk of the Senate have to perform.

I say this because when we look at how a Clerk of the House and a Clerk of the Senate is appointed, their appointment is made pursuant to section 121 of the Constitution. The Public Service Commission appoints both the Clerk of the Senate and the Clerk of the House. Do you know that the Prime Minister has the power to veto any appointment of these positions? I think that should not be, because if Parliament is an independent institution then I believe that the Executive should play no role in appointing or deciding who not to appoint as the Clerk of the House and the Clerk of the Senate. Because the PNM for far too long has stretched their long tentacles in every independent institution of this country. I will give you an example, Madam President.

In the case of Feroza Ramjohn—do you remember that case? That case was about a woman, Feroza Ramjohn, a career public servant who gave 38 years of service to her country. Her appointment was vetoed by who? A PNM Prime Minister of this country. We must not allow any more of this interference with any public service appointments. I would not say—I will leave it for another time—that we have seen that there have been questionable appointments in democratic institutions that govern our country, being made and being vetoed. I go so far and I will not say any more on that.

But what the Bill proposes to do, this authority Bill, at clause 23, it now gives the President the power to appoint the Clerk of the House and the Clerk of the Senate after consultation between the Prime Minister and the Opposition Leader, which actually opens up the forum. It puts all the parties at the Table in order to determine who the Clerk of the Senate and the Clerk of the House is.

When we look at the administrative autonomy of this Bill, the administration of the Parliament requires money, it requires funds to actually work. So the other leg of it is regarding the financial autonomy. The Bill says that:

“The enactment of this Bill will also seek to promote the autonomy and efficiency of the Parliament of Trinidad and Tobago as established by the Constitution and to further enhance the high standards of accountability, transparency and responsibility of the Parliament in the conduct of its business and in line with the Latimer House Guidelines for the Commonwealth...”

There are three different models with respect to the financial autonomy. Currently in Trinidad and Tobago our Parliament is akin to what a government Ministry would be with respect to its funding and its financing. So that is really

deemed as the department model which is essentially a government department in terms of estimates and relies on specific processes to maintain appropriate regard for the needs of a Parliament compared with normal government institutions.

So the Parliament currently operates as a subset of the Executive, because when it is budget time, the Clerk of the House who is the accounting officer would have to prepare the estimates and go over to the Ministry of Finance, and then the Minister of Finance, the technocrats there would sift through the estimates and then determine the budget for Parliament.

**3.45 p.m.**

But, Madam President, if this happens, is our Parliament truly independent, if the Executive is still determining the funding of the Parliament? And what the Bill actually seeks to do, it increases the level of financial autonomy, because it establishes a bank account or a fund in which the moneys are to be paid to the Parliament. And the procedure in which the funds are actually appropriated to the Parliament is that the Estimates of the expenditure for each financial year is prepared by the Clerk which happens now, but it is reviewed and agreed upon by a board, and then it is laid in the House of Representatives and the Senate.

And, Madam President, that board actually comprises of the Speaker of the House and also some of the Government MPs and also the Senators. So therefore, we can see that the Parliament itself and its officers are actually determining the budget in which it requires to efficiently conduct its business.

And when we look at other jurisdictions we see, for example, in the UK, in Australia, in Canada, in Kenya, in New Zealand there are similar models in which they have a level of financial autonomy which is similar to what this Bill actually proposes.

And, Madam President, I reach a point in my debate now that the Minister of Labour and Small Enterprise Development in her contribution she had stated in her debate, and I quote from the *Hansard* that:

“I want to seize the opportunity to remind my goodly colleague...”

She was referring to Sen. Mark:

“...that it was the People’s National Movement that built every single institution of democracy in Trinidad and Tobago—every single one. I dare him to call one institution that the UNC has built in this country.”

Madam President, I am going to call out all the institutions of democracy that the UNC has built in this country.

**Sen. Ramdeen:** “Yuh eh go finish today.”

**Sen. S. Hosein:** I will try. I will try, Sen. Ramdeen, I will try. And in 2002, the UNC manifesto, it actually says that with a view of good governance the transparent and accountable management of all resources of a country for its sustainable, economic and social development of which the fight against corruption is an important dimension. And, Madam President, the list that I am going to call out is a non-exhaustive list.

The UNC passed and enacted the Freedom of Information Act, Act 26 of 1999. [*Desk thumping*] This Act gave the public unprecedented access to government information and records. The provision of the Act gives members of the public the statutory right to access official documents from any public authority.

**Sen. Obika:** That is democracy.

**Sen. S. Hosein:** The legislation not only made Government more accountable and transparent, but also provides a powerful weapon in combating corruption and

nepotism. That is one institution that the UNC has built.

Madam President, number two, the Integrity in Public Life Act. [*Desk thumping*] It strengthens and empowers the Integrity Commission to exercise greater control and oversight over the financial and ethical conduct of all persons performing government function.

But you know what the PNM Government did? They frustrated for several years the approval of the declaration form under the Integrity in Public Life Act. And there is an article, Madam President, it is dated Friday 15 August, 2003 by Sean Douglas. It is entitled “Ramesh tells Morean to resign over Integrity Act”.

“Former attorney general, Ramesh”—Lawrence—“Maharaj, has accused the Government of acting illegally by refusing to enforce integrity laws and has called on the Attorney General Glenda Morean to resign for allegedly frustrating the Integrity Commission in monitoring officials’ assets.”

Madam President, that is the track record of the PNM. [*Desk thumping*] While we are trying to open up transparency in Government, you all are frustrating it.

When we look at the Constitution (Amdt.) Act, parliamentary committee Act, 29 of 1999 and the Minister of Trade and Industry is sighing in relief, because under all of this legislation, she now has to be accountable to the people of Trinidad and Tobago.

When we amended section 66 of the Constitution, Madam President, the UNC Government gave life to Joint Select Committees of Parliament. [*Desk thumping*] We take ownership of that because that was a project of a United National Congress Government. And what has JSCs been able to do in this country? They have been able to expose corruption at the highest level in this country. We have seen the sea bridge. Every time I probably stand up here I speak

about the sea bridge, because it is a mess, it is in a crisis. Just yesterday, Sen. Small unveiled the corruption—well, I would not say corruption.

**Madam President:** Let me just put a little halt there to what you are saying. There is a public dimension to the Joint Select Committee that sat yesterday, but I would ask you not to make any sort of, come to any conclusion about anything. Okay?

**Sen. S. Hosein:** Madam President, all I was just saying—

**Madam President:** Okay. No. That is fine. Just have a seat, let me just finish. So that is just my caution to you. You can proceed.

**Sen. S. Hosein:** Thank you. And, Madam President, I will leave it there because that information is in the public domain—right?—what happened with Caribbean Airlines.

When we look also what the UNC did. We passed the Judicial Review Act, No. 60 of 2000. [*Desk thumping*] This Act is a powerful tool in order to review the decisions of public officials. [*Interruption*] It is a sword. Yeah. It allows individuals or groups to bring action which may be in the public interest although they were not directly affected by the particular injustice also. That is the wide dimension and scope that this Act has, because the UNC has always been a progressive Government notwithstanding whichever incarnation that we governed in.

Madam President, we also enacted the Equal Opportunity Act, No. 69 of 2000. And that Act for the first time in the history of Trinidad and Tobago established an Equal Opportunity Commission. It is an administrative and investigative body entrusted with the responsibility of working towards the elimination of discrimination. But when we passed that Act, you know what the

PNM did, Madam President? They went to the High Court to declare that Act as being unconstitutional.

Then the former Attorney General Ramesh Lawrence Maharaj had to respond. This PNM Government has delayed the enactment of the—sorry, the implementation of the Equal Opportunity Act.

And one other issue that this PNM has been labelled for is, we must all remember what happened with former Speaker of the Parliament Occah Seapaul. [*Desk thumping*] A former Speaker of this House, a Presiding Officer, was placed under house arrest by the PNM. House arrest, you know, Madam President. Right? And you know what the former Speaker wanted to do? She contemplated filing legal action. And you know who were the MPs involved there, Madam President? MP Ken Valley, MP Wendell Mottley, and you know who else?—our Prime Minister; Prime Minister Keith Rowley was all part of that.

But they will say what they want. Our track record speaks for itself. As former Minister of Education Hazel Manning said, facts are a stubborn thing, [*Desk thumping*] they are very hard to go away.

**Sen. Obika:** Very hard.

**Sen. S. Hosein:** And when we give Parliament all this autonomy, we must bear a certain level of responsibility, and this responsibility not only lies at the feet of the staff of this Parliament, but every single one of us, be it elected MPs, Government Senators, Opposition Senators, Independent Senators. And we must sit here in this Chamber and we must be role models for the youth of Trinidad and Tobago, we must serve with the highest honour and we must have impeccable character.

But, Madam President, we must never forget when emails were read out in the Parliament of Trinidad and Tobago, false emails, fake emails. The police said

so, I did not say so, Madam President. That also was an erosion of the democracy of this country, it was an abuse of Parliament privilege.

We have been granted a privilege in this Parliament and we must use it responsibly, and whatever happened at the last Parliament, should never happen in the history of this country again, because the police, you know what the police said, Madam President? The police said that they have completed their investigation into the “emailgate”.

**Madam President:** Senator, you have to quote your source, please.

**Sen. S. Hosein:** Madam President, it is the *Trinidad Express*, December 18, 2017, titled “Cops wind up Email gate probe”.

“Police have completed their investigation into ‘Emailgate’ but nothing of substance has come out to it.”

Madam President, that is a sinister move. It was one of the biggest con job in this country to accuse a former Prime Minister and Members of Cabinet of conspiracy to murder. That is the abuse of Parliament. [*Desk thumping*]

And while I am on the topic of accountability, that I said when I opened my debate that Parliament is responsible for ensuring accountability and openness, and there are various ways in which we can hold the Executive to account such as Question Time, Matters on the Adjournment, we have Motions. I want to say that there has been a trend with this Government in not only in this place, but in another place where when we ask questions we are not getting answers.

So, I did research and my research turned up to show that, it is on website called open Democracy, it is an online article titled, “Why don’t politicians answer the question?”, 18 March, 2015, by Mr. Benjamin Young. And I want to read this article and he says:

“So why don’t politicians answer the question?

There are, I believe, two reasons.

First, they are afraid. To give a straight answer to a difficult question is to put yourself at the mercy of a brutally unforgiving media environment. Your every word is being scrutinised by journalists, commentators and hostile party operatives from across the political spectrum.

The second reason is...that politicians don’t think people will notice. It is drummed into them by a parade of advisors and media men that the only thing that matters is message discipline. Get out your talking points, at any cost. The audience remembers what you say, not what the question was.”

And that is a trend, Madam President, that we have seen developing in this Parliament.

And we as a responsible Opposition have so far prosecuted various issues in this Parliament and we have unveiled corruption, mismanagement, nepotism of this PNM Government. And I ask that if you are serious about straightening the democracy of this country that you give Parliament the power, that you give Parliament the power of administrative autonomy, that you give Parliament the powers of financial autonomy, and that you pay respect to the United National Congress for what we have done in this country with respect to strengthening the democracy of this country.

And, Madam President, with these few words, I would like to end my contribution. Thank you. [*Desk thumping*]

**Sen. Melissa Ramkissoon:** [*Desk thumping*] Thank you, Madam President. I must say that we are having quite a passionate debate, and it is great to have a passionate debate about Parliament autonomy. And I want to say congratulations

to Sen. Mark for bringing this Motion, not once, twice, but a third time. And I did not realize that it had come up because I have been preparing for this debate since last year, and I did not realize. So, it is good that I have been given the opportunity to speak on this given Private Members' Day on this particular Motion.

And many persons do not understand the effects of Private Members' Day. It sometimes takes about six months to complete a Motion brought under the Private Members' Standing Order. And I do remember that Sen. Mark had graciously given me one of his Private Members' Days to complete one Motion that I had brought, and only three persons could have contributed. So it is not always as simple as we would like it or make it sound that, you know, it is going to be quickly. We are bringing a lot of Motions and it will be finished, but no. So, I am grateful to have this opportunity to speak about Parliament autonomy today.

I could not have probably put it better than Sen. Mahabir on all the aspects of Parliament life of an Independent Senator. I have heard many from the both sides talk about the political arena or being a politician. I never define myself as a politician because when we all attend a concert, Madam President, we not part of the band, we are not the performers, so we cannot say that we are—we might be in the political arena, but we are not politicians. Well, I believe that I am not. As an Independent Senator, I am not a politician. I stand here firstly to be an independent voice for a legislation that is before us and to serve as an oversight function in all the areas that I have been selected to serve.

So, Madam President, for the listening public and for you and for Members who are with us, what is Parliament autonomy? What it is in a nutshell is basically Parliament having the responsibility of choosing its own staff. It is basically to also have control over its own budget. So that simply means that the Executive

should not judge or cut funds for resources required by Parliament to carry out its parliamentary functions. And thirdly, the organization of its own business, which is where the Parliament can set debate times, debate days and not have the majority voice say how long we sit in Parliament at any given time is what we face today.

So, Madam President, the question will be asked: Why should we have a reform? Do we really need this reform? And this is not a new conversation. We have been having this conversation in public since 2000. So what is the need or why should we make this step forward? And Parliament currently depends on the Executive or the Government to appoint staff for its financial resources. And we do see that we have an Acting Clerk of the Senate for almost two years or even more. So all of these things tie into this parliamentary autonomy and how this business is done. And I do truly hold the opinion that Parliament staff should not have to carry out the responsibility of oversight for any Government, but the elected and appointed Members of Parliament should hold this responsibility.

And, Madam President, I do want to talk about the Strategic Plan of the Parliament of the Trinidad and Tobago which was from 2013 to 2018. That was the first strategic plan of the Parliament, and the vision was by 2018—or the vision is, sorry, because we are still in 2018—by 2018 to be a modern Parliament that fulfils its constitutional duties to its fullest extent and effectively serves the people of Trinidad and Tobago. The Parliament's strategic plan in the period 2013 and 2018 states that the Parliament—

“...it belongs not only to parliamentarians but is also owned by all the people of Trinidad and Tobago.”

And I do believe that we are presently very modern. We have all our Joint Select Committees televised, we have our sittings live, we are there. And I do believe

Sen. De Freitas did mention how we have evolved as a Parliament and what we are doing presently and the good work that our Parliament is currently doing to inform the public and the citizens of Trinidad and Tobago.

Now, we even have persons who walk up to us on a daily basis, like for myself where I work, I would have co-workers talk about the programmes aired on the Parliament Channel, even so much they are very invigorated and intrigued by some of the debates that are before the Houses, and as well as they are very much learning that the Parliament debates are more than the flashes on the seven o'clock where they have the fight scenes. So they are very proud to learn more about what parliamentarians or MPs are saying about the present or the future of our country. So this is something that we should be very much aware of as parliamentarians.

Now, the aim of a modern Parliament is to allow Members of Parliament to fulfil their legislative oversight and representation functions effectively despite where they may sit. One of the major roles that we as MPs actively do is we do the administrative or we hold the administration accountable through the various Joint Select Committees and through debates, for example, the budget debates where we speak openly about the moneys distributed for the different sectors.

With that saying, the caution is to ensure that these functions should be done without government interference or may I say, continue to be without government interference, and that is the key point. Whilst we are here at the point where we do not have government interference, we as a Parliament can say, this is the time to implement laws or legislation in relation to Parliament autonomy, because we do not have the issues where MPs are consumed by power or having using their powers irresponsibly or having to discharge their duties irresponsibly. So that is why we can embrace and that is why all the MPs can say, yes, to such a Motion or

yes to such Parliament autonomy. But when we allow it to slip, and no one knows what the future holds, that then will put our citizens and our country at a risk because we do not know who may occupy the future office of our country.

So that is why I believe that this Motion brought forward by Sen. Mark is truly an important one. It is one that needs to have its seriousness allocated, and definitely the recommendations put forward to transition to an autonomous Parliament is one that we should do now.

And some of the recommendations would be simply to have the staff of the Parliament not selected by the Public Service Commission, and Sen. Hosein outlined the shortcomings of the present Public Service Commission, and to have the staff of the Parliament selected for the services and paid for the services that they presently provide. I have to say also that Members of Parliament, the staff that we have here, it is truly raising the bar for public servants.

The Ministry of Labour and Small Enterprise Development can look at this, but the members of staff for the Parliament can have the item where they can probably train persons before they go into the public service, because no one could say anything negative about greeting a member of staff from Parliament to get any information. When they have tours, anything that they would like, even though they work these long hours they will meet you with a greeting, professionalism and with a sense of pride for their country, and that is something we have to say, that is what a public servant is all about. So they are truly an example that the whole country can learn from.

So, Madam President, another recommendation to put forward for an autonomous Parliament is having adequate resources for Government and non-government Members. And Sen. Mahabir spoke about this at length and I

would suggest that his recommendations truly be taken for research assistant, library resources, all of these items because it has so much merit to the growth of our Parliament.

The third point for recommendation. I want us to endorse what Sen. Ameen spoke about, which is the budget of the Parliament should really be a percentage of the national budget similar to that of the Tobago House of Assembly. So they are allocated about 4 per cent. I do not see any harm in also allocating a percentage, if it is 4 per cent or 3 per cent to the Parliament staff to also carry out their functions and take away the Executive arm or having that under the Ministry of Finance. I think that is a very noteworthy recommendation.

Madam President, on another note, I did mention earlier that this is not new. There is a lot of literature/review on this particular topic on Parliament autonomy related to Trinidad and Tobago. So, I was very pleased that Sen. Mark did amend this particular Motion because initially I did not support having this done in three months when we were at the end of the parliamentary term.

And then also looking at the amount of work that was already done on this given topic, I did not understand why, again, we want to go to a Joint Select Committee when this has already gone to a Joint Select Committee in the past. And then, well I saw that he amended it to have it introduce legislation by April 30, 2018.

And I want to state that Sen. Mark is very ambitious because of the findings from the Fifth Session 2014/2015 of the Tenth Parliament Joint Select Committee. And for those who have not gotten the time to read it, I would just like to summarize what I learnt from that Joint Select Committee that dealt with the Draft Houses of Parliament Service Authority Bill, 2014 and they also looked at the

Parliamentary expert on governance Dr. Patterson's Information, they also looked at the pre-policy paper. So all of this was before a Joint Select Committee of Parliament. They had even received 13 written responses from the public.

The meetings, however, Madam President, I have no idea why because I did not sit in the Tenth Parliament, but the meetings were not, I repeat, not well attended by Members of Parliament despite the public display that there is support for Parliament autonomy, they were not adequately or well attended. The public meetings which appeared to be stakeholder review sessions were cancelled due to a lack of quorum. The reports were not signed, the Joint Select Committee report, that is, was not signed by all Members of the committee appointed to serve on that Joint Select Committee to review Parliament autonomy and the legislation that we are asking or Sen. Mark is asking to introduce.

There were no reasons given by the Members who did not sign because there was not a minority report submitted. So, we do not know why these reports were not supported to this date. The reports were signed by some, and it was bit interesting for me to know that of all the meetings that the committee did hold, two members never attended for reasons of being excused, and that was the hon. Colm Imbert and Mr. Rupert Griffith, which I also found interesting, because on the 21<sup>st</sup> of March, 2014, when this was debated at that time in the—can I say that?—the House of Representatives, the comment was made by Mr. Imbert that:

“...no serious person could have any objection to the principles enunciated in these legislative proposals. We just need time to tweak them a little bit, to see if we can really achieve the objective of true independence so I support the measure,...that it goes to a joint select committee.”

Unfortunately, the given Member was unable to attend any of the Joint Select

Committees even though he was a part of it. And to add, did not submit a reason why he did not sign off on the report.

So it is now interesting to have a Motion about the same legislation proposal and not know if the Government was able, well the present Government, I will have to say because they were not in Government at time, if the present Government has any items to tweak. If they do have any items that they would like to change, or are they just going to not use this piece of legislation at all and come with something new?

And that is what I thought I would have learnt sitting in a Motion such as this. What is happening is because it is not laid before us presently. There are many pieces of Bills laid before us, and Parliament autonomy is not one. I understand that it is a promise and we welcome it, but I cannot see it being the one that Sen. Mark is referring to or referencing because the Government made a stance then that this needs some work. And I would agree that it had some items that needed work because whilst I read some of it, Madam President, the Bill spoke about a board composed of five Government, two Opposition and two Independents to Government, how Parliament operates. And for me, I am not sure if that really gives us a very independent voice to the Parliament, because yes it will be chaired by the Speaker, but I do not know if it is a better alternative for a running administration of the Parliament.

So simple things like that may have been ventilated in the Joint Select Committee, but it was not brought forward, and to say that we are at the junction where the Motion says that it should be introduced by the 30<sup>th</sup> of April, 2018, I am not certain if that can materialize given the facts that are before us.

**4.15 p.m.**

So, Madam President, with that, I would like to move to something a little bit, something related, but on a different point. And that is in relation to the United Nations Development report that was done 2012 to 2013, and we spent a significant amount of funds on it, and that is the US \$4,322,000 to find out about strengthening the Parliament of Trinidad and Tobago, and it was something that I felt had some benefit, and it had some really nice statistical data that was done in that study. But the only thing it is a bit outdated, because we are now in 2018, and this is data that was for 2012/2013 period. And the aim of that report was to have an effective public participation in governance structure at all levels. It also had to look at an outcome of governance structures and practices, and how responsive they are.

And this, Madam President, I must say, this is for Trinidad and Tobago. Sometimes we talk about studies that are done, this one is specific to the Parliament, strengthening the Parliament of Trinidad and Tobago. And one of the expected outcomes of this particular study, was that it is going to provide a comprehensive strategic development plan of Parliament, and have a multi-year product, and have enhanced legislative function, and outreach, and communication, and it is a completed legislative proposal with Order Papers and functions of autonomy of Parliament that is independent.

So, we did do some studies on this, and the information shared in this study was that Members of Parliament or backbench Members of Parliament was not sufficient, or we did not have adequate numbers to serve in all these different Joint Select Committees set for us, and that was one of the items or weaknesses it had suggested. Because many different areas have a lot of backbenchers and they can serve in these Joint Select Committees with a level of priority and giving a lot of

their time. But, in our Parliament we did not have that because we have, for example in the Senate, we are appointed, we are part time. I have a full time job. It is not close to Port of Spain, and I am expected to be here once a week for debates, once per week for a Joint Select Committee, because thankfully my coordinator was understanding and I serve on one Joint Select Committee, but I now serve on two Joint Select Committees for the amendment of legislation, which is cybercrime and gambling.

So, now I have three Joint Select Committees and one day for sitting, and now the hon. Leader of Government Business has said they are doubling up, so two days. So, I have probably to be here four days a week out of five working days in the week. I am very grateful that my employers have had some compassion on me. They did pull the 1994 policy on me, to state that—a 1994, Madam President, and we are in 2018, and the 1994 policy stated that MPs or Members of Parliament who are appointed should only be permitted five days' time off, and obviously you would be allowed more if your management allows it. But, in 1994 we did not have all these Joint Select Committees. We did not have double days of sittings, and we really did not have this heavy workload. So, it is very sad that they pulled the 1994 policy for me. But the fact remains, I would not agree that this is truly a part time job. If we are to give that dedication and that commitment—yes, it is commitment to service, but to give that added additional oversight view for legislation before us as well as committees where we meet these different enterprises and advice on what we read and what we hear, and ask them about it.

And I think it is something that I warmly welcome, but it also—we need to understand what is fair, what is right, what makes sense. And we do have a report

that states this clearly, and it spoke about the small pool of parliamentarians and the select committee members as well as the number of entities that we have, and I believe the Constitution speaks about certain Joint Select Committees are mandatory, so they also have that kind of added information that is needed, and then also now this is going to impact on your financial aspects of the Parliament. I mean, we are taking it for granted that every time you sit—oh, yes, I am going to give way.

**Sen. Khan:** Just for my own edification.

**Sen. M. Ramkissoon:** Sure.

**Sen. Khan:** Let us assume that we go the way of full-time senators, and you are a young professional in the energy sector—I presume well paid—and you have the option to be appointed a Senator for five years, would you leave your job? Because these are the factors that have to be taken into consideration when we draft legislation of this nature.

**Sen. M. Ramkissoon:** Thank you, Madam President. Sen. Khan, I have 10 more minutes before tea. But, okay, I had a point, he pre-empted—*[Interruption]* No, I really was going down that road, because, no, full time versus part time is a key part in parliamentary autonomy that no one has spoken about, and that is a true aspect that is really something that needs to be ventilated properly, and who you attract to occupy these seats and hold these positions, and what are the benefits versus, for me, for example, who is a professional as you put it, in the oil and gas. It is something that when you are asked to serve, you as a person need to say, you need to prioritize what. I cannot speak for all the professionals in my field, but trust me there are people who would say this is the most important job to any other job out there. And they would leave, because now you would have the full time.

For example, if I was a full time Senator I would look at all those energy legislation that is 1960, 1950 with cranes. We do not have legislation on cranes. But, Madam President, we are straying a little bit. But the fact is, we do not have legislation that addresses these things, and people are at risk every day, and this is what I would have dedicated my time and energy if I was a full time Senator.

So, Madam President, I am sorry that we did stray a little bit, but I did not want persons to come away that mechanical engineers would not serve in this position because we are paid better in the oil and gas sector. Yes, we are. I am paid better than this salary, and it is a sacrifice of oneself. I always believe standing here is service to people, sacrificing oneself, because this is what I do in my part time life. All the research, all the extra reading, because I have to catch up with Sen. Mark and his time, all his years of experience as Speaker, reading all the documentation. I have to play catch up to know all of the information before I could speak on any Motion or any Bill that is before us.

So, Madam President, another easy one, is something that Sen. Khan, do not close the door on it. If you are able to make a direct impact in your field in an office such as that, you would give of yourself a 100 per cent. Just as how you occupy a role of Minister. You are not a part-time Minister, you are a full time. So, it is really based on your exposure. So, Madam President, with that I want to make a little side comment on that, and that is separation of powers. I personally believe it is very difficult for Senators to hold ministerial positions, and that is because it is very difficult to cut off or to not be part of a Cabinet decision and then now we have to exercise an oversight function. I think it is very much difficult to have the separation of powers. Because how are you now part of the initiation or part of the decision making, and now coming before us in the Senate to talk about a

Bill that you were part of, saying yes to. It does impact on your oversight functions as a Senator, be it Government, or whatever area, it is a difficult one.

So, Madam President, I did have a quote for Sen. Khan's question in my debate, and I would refer him to the United Nations Development Programme 2015, on page 5, which does give the different scenarios of full time versus part time, and how it would benefit us as a Parliament to have the full time Senators, if we are happy with what we are and where we are right now, then so be it. But whatever we bring forward, we need to ensure that it is not only for us, but it is for the future. I have spoken about that. Right now we do not have the abuse of duties by any Member of Parliament, so that way we can warmly embrace Parliament's autonomy, and having legislation to impact or to initiate such.

Madam President, with five minutes before tea, I do want to speak about one little point, and Sen. Dookie mentioned it at the last time we were able to debate this. And that is the use of ICT technology. And, Madam President, we have Parliament staff here all till the end of our sitting. So, we are sitting at 1.30 to 10.00. They are here from 8.00 a.m. to 10.00 p.m. I find this a little bit difficult to understand. We do not need a full staff present. For example, library staff, they can work at home. There is VPN which is Virtual Proxy Network. Did I say the correct term? Virtual Private Network, sorry, VPN, which allows you to the remote into your laptop or computer from the warmth of your home and do whatever any MP may want. So we could look at different sections within Parliament to see which ones we need a full staff for, and where we do not need a full staff. We could have a skeleton staff after the hours of 4.00, so we do not have a strain on one budget, strain on persons' health, and just having an abuse of that because we are not here from 8.00 a.m.

Madam President, that was one of the recommendations I wanted to put forward to think of the staff that we have here and how we could easily assist them in executing their duties before having this legislation before us, and brought forward. And, Madam President, part of the parliamentary autonomy that I would like to see brought forward is the transferring of knowledge. I would like to see past MPs—now Sen. De Freitas said he is inhaling, so he is new. For persons who have exhaled, I would like them to continue to mentor the new ones who are coming on board. I would like them to still serve, and I would like a provision in the Parliament be set up to have persons who no longer hold Members of Parliament, assist in grooming and mentoring the new and young MPs who are more than willing to serve their country. This is part of the Parliament that I think would have a lot of benefits. We see it being done in the Youth Parliament, and now we want to extend it, not only to youth but the actual different Houses of Parliament that sit.

Madam President, I am so looking at the time. I do have a closing part of it. So, before tea, let me just say that there is a lot that we as MPs face and do, and we want to ensure that we are all treated equally regardless of who may sit in the Chair. I may not be here, so whoever occupies Parliament's positions or parliamentarians' positions, and hold Executive power, they should always have this level of fairness and a standard to which they work. And that is why we have laws; that is why we have regulations to keep members or persons intact. Because sometimes we like to use the term "protocol" very loosely, and we are not sure what that protocol is. So, we are just trying to determine terms and conditions that we can all say yes to, and we can all be comfortable with regardless of whoever occupies the position in which the Executive arm is controlling.

Madam President, how much more time do I have?

**Madam President:** Actually, Sen. Ramkissoo, until 4.30 you would have used up 33 minutes, so after the break you can resume because you would have seven more minutes.

**Sen. M. Ramkissoo:** Okay, Ma'am, I will take. Well, 15 seconds before tea and I would use my seven minutes just to tie it all in and just give my closing statements about Parliament autonomy. As I said, I have been preparing for this since last year, so, I do thank you, Madam President.

**Madam President:** Hon. Senators, at this juncture we will suspend the sitting and we will return and resume at 5.00 p.m. Sen. Ramkissoo, you will have seven minutes.

**4.30 p.m.:** *Sitting suspended.*

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

**Madam President:** Sen. Ramkissoo.

**Sen. M. Ramkissoo:** [*Desk thumping*] Thank you, Madam President, and I do say I would not be much longer, I just want to wrap up all that has been said earlier. And, Madam President, Parliament autonomy, it is something that we recommend. It is the establishment of an independent and administrative corporative structure, inclusive of a Parliament management board, a commission, and it is separate and independent of an Executive. So it is part of a modern legislature.

So, Madam President, I have spoken earlier about the Joint Select Committee report on the Draft Houses of Parliament Service Authority Bill, 2014, and about the pre-policy towards an independent Parliament, ensuring Parliament's functional autonomy. And what I have to say about this particular Joint Select

Committee, I learnt that many are in favour of an independent Parliament. There are many questions and concerns on the proposals and how we are going to get there and that is really the big question. The disparity whether Parliament would truly be autonomous because of the existing overlap between the Executive and the Legislature, and that is the big question. And it is commendable for any Government to take that step and to lift their Executive control over the organization or the governing of a Parliament. So, it is something that I have heard a lot about, and I do embrace this Government or any administration, do bring such. And, Madam President, I want to remind all—

**Madam President:** Sen. Ramkissoon, you have five minutes.

**Sen. M. Ramkissoon:** Thank you, Madam President. I do want to remind all about the Regional Health Authority, which took our country over 10 years to achieve. So we started this in 2000; we are in 2018; 18 years have passed, and we have reached the stage that we should definitely do this now. Now, again, is very relative, because there are items that need to be tweaked in the Bill. I do not believe another Joint Select Committee will be the answer to this, and I do hope that whatever way or whatever Motion, amendments, or whatever may come, we need to ensure that we have the items clear.

So, I just recap, Parliament autonomy, we would like that they have the opportunity to employ their own staff, not under the Public Service Commission. They have the opportunity to control their own business, and we gave the recommendation, if they are allocated a percentage of the national budget that they can freely use, that is not under and governed by the Ministry of Finance. And lastly, the organization of their own business. And that is something that we have to commend any Government for doing if they are giving up their Executive

control. And many persons may not understand, but when you serve in a Cabinet, or you have a ministerial position, you are not only speaking for your Ministry, but you have a joint communication between all on what are the decisions and how it is going to impact your present and your past.

And now to have those Members serve in Joint Select Committees of Parliament is very, very difficult, because when they have to sit—for example, the Ministry of Energy and Energy Industries, and they have the Joint Select Committee on Energy and Energy Affairs, it is very hard for the Minister to sit on a Joint Select Committee as that, because how is he going to be—which guards, whose hat is he going to wear? So, we do not want to put Ministers into that position. And that is why it is very important to understand separation of powers when it comes to Parliament autonomy and what it is that we are asking.

So, Madam President, when I read this Motion, and I read all the work that we had done as a country since 2000, I thought of Habakkuk when he was asking the Lord, how long will I wait guard? How long again? How long? And he felt weary. And the scripture did go on to say in 2:3:

“For still the vision awaits its appointed time; it hastens to the end—it will not lie. If it seems slow, wait for it; it will surely come; it will not delay.”

So like that, I too would like to hear that parliamentary autonomy is here. We are ready for it as a country, and the administration is strong enough to allow us, the Parliament, to do the work that is needed.

I do thank you, Madam President. [*Desk thumping*]

**Sen. Ronald Huggins:** [*Desk thumping*] Thank you very much, Madam President. Feels a little different being all the way across here. But I would like to state for the record that we in the Government agree that parliamentary autonomy is

essential and necessary, hence the commitment in our party's manifesto, and we believe it will strengthen the institution of the Parliament to better serve the people of Trinidad and Tobago. So, there is no doubt or contradiction in this regard, Madam President.

I think Trinidad and Tobago appreciates the fact that our Government has a robust legislative agenda, which we have been pursuing rigorously, because we understand that the PNM is being judged by its own reputation on maintaining very high standards. And with this in mind we continue to work in the best interest of Trinidad and Tobago. We continue to be committed to moving our country forward, and we can only do so because we have a stable but vibrant democracy. Our guarantee is to bring parliamentary autonomy to this House for debate during our current term and we are going to do just that. Quoting from the pre-policy Parliament document, we understand:

“Parliament is the unique forum in which the voice of the people can be heard and its will done. It is the focus of national debate and the democratic centre of our country. Its purpose is to further our peaceful development and promote our economic prosperity.”

Generally, a modern parliament, Madam President, has three functions: representing the electorate, making laws and overseeing the Government via hearings and enquiries. Real parliamentary autonomy, however, is no easy fix, as countries throughout the world, even those adopting the principle of the separation of powers, as stated in the Constitution, or understood to be so, did not all start with parliamentary autonomy in its strictest sense. But established it at some points in their development, in the development of their modern democracy. And I may mention, that, once again, for the record, we are committed to tabling

parliamentary autonomy in this term. And the Government in pursuing this legislative agenda is developing a momentum of reform, or in this regard, a momentum of autonomy. And we will see the legislation that will treat with the autonomy for the Parliament, Tobago and local government during our term, Madam President. We believe, as the *Bible* quotes:

“Where there is no vision, the people perish.”

And therefore, the PNM has always had a vision for Trinidad and Tobago, in the same way we always have a plan or a road map, and the Leader of Government Business has given our commitment to parliamentary autonomy and our legislative road map. The administrative and financial autonomy of parliamentary assemblies report, prepared by Mr. Michel Couderc, adopted at the Moscow session September 1998, described:

“The autonomy of parliamentary assemblies...as cross-disciplinary”—which was mentioned sometime before—“since it touches on all aspects of the organisation and functioning of parliaments. Even when limited to its administrative and financial dimensions, the question might seem too broad and as a result to elicit responses which are too general to be relevant.”

What we are saying here once again, it is no easy fix, Madam President. Autonomy is not therefore an empty shell, but a concrete reality which expresses in some way to various degrees, depending on the country, the shared specificity of the parliamentary phenomenon throughout the world. So, we are talking about various degrees depending on the country and the specificity of the parliamentary phenomenon or the common thread throughout the world. This is not surprising since autonomy is defined in effect by, on the one hand, the non-dependence and non-subordination of assemblies in relation to the Executive, and on the other

hand, by the possibility of the assembly freeing itself, at least partially, from the rules of ordinary law, so as to follow instead its own regulations.

The very basis for autonomy, Madam President, is rooted in the separation of powers, particularly in relation to the Executive, but in establishing this autonomy, it must be done with specificity to our society, to our reality right here in Trinidad and Tobago. And with the spirit of creating a culture of autonomy, it must be done, and not just change administrative and financial functions. Therefore, we realize that this is overdue, but at the same time it must be done right, because we want it to work, and to work well for all stakeholders involved.

It is believed, Madam President, that the stronger the autonomy the more Parliament has power. In other words, if administrative and financial autonomy is often a necessary condition for the full exercise of its powers by a Parliament, it is not a sufficient condition, far from it. According to the report prepared by Mr. Michel Couderc:

“This autonomy has a common characteristic in all Assemblies. It clearly does not preclude cooperation with the Government. The separation of powers from which it derives is characterised in the majority of Parliaments by”—what they term—“‘flexible separation’, or ‘separation-cooperation’. It is thus that parliamentary autonomy exists in the institutional organisation of the State, to which Parliament belongs.”

And if we look to—I am quoting from the website law.com, an article from the Editorial Board, separation of powers implies cooperation. I quote:

“Out of necessity, executive, legislative and judicial powers overlap each other and they cover many of their acts that are in their nature common.”

So, Madam President, as we seek to agree that this parliamentary autonomy and

the work that was done is necessary. We also know that it is not a simple process. It is complex, and it has to be specific to our realities here in Trinidad and Tobago.

Again, Madam President, this autonomy of the Parliament will ultimately benefit the people of Trinidad and Tobago, and strengthen the institution that is the seat of our democracy. And we would like to take the opportunity to deal with this on the road map of our legislative agenda, as we are building a momentum of autonomy, in other institutions as well. This, we believe, is achievable and we look forward to going further in depth in establishing the autonomy of our seat of democracy.

Allow me to address an unfounded opinion, Madam President, made by the mover of the Motion here, Sen. Mark, in his contribution, where he referred to Trinidad and Tobago as experiencing a democratic recession. Well, we would not have this statement appear to be how it may be interpreted, as some citizens may be insulted by the comment, “this democratic recession”. I want to assure Sen. Mark that democracy is alive and well in Trinidad and Tobago, and we will take every step necessary to improve our country’s democracy.

Just by way of an example, for the benefit of Sen. Mark, one clear indication of our democracy at work took place on September the 7<sup>th</sup>, 2015, when the people of Trinidad and Tobago were able to rally together and vote the UNC administration out of office. They started in 2010 as a Partnership, but by 2015 persons could not recognize what was being presented before them.

**5.15 p.m.**

So they went from partnership and in 2015 I believe they presented themselves as the “Kamlaship”, Kamla 2015 and I do not know what would be their future incarnations moving forward, Madam President, but democracy is at

work in Trinidad and Tobago.

The PCRC Report:

“On the wrong way to ‘wright’ the Commons—and a suggested ‘wright’ way”

As we continue to build on parliamentary autonomy, Madam President, July 22, 2013, by Barry Winetrobe. And I quote, there is:

“...the need to provide a comprehensive principled framework for the operation of an effective autonomous parliamentary body, one that can set its own parameters for doing its core democratic tasks, such as scrutinising government, and representing the public who elected it.”

But:

“There needs to be a serious examination of what a modern parliament is for and about, and how—as the central democratic institution—it can be designed to operate effectively as the unique forum where the various actors like the Executive, the public and others come together in our governance.— There is a—“trend towards more ‘direct democracy’ via technological innovations and rise in public expectations...”

—And this all makes parliamentary autonomy and the drive towards parliamentary autonomy more and more important.

There is the school of thought, Madam President, that would say:

“Without needing to resort to a US-style”—of the—“‘separation of powers’ model, the ‘Westminster Model’ has the potential to provide a framework for democratic, accountable and effective governance, which appropriately involves the public as well as politicians and officials. There are”—variations to—“the traditional Model around the world—even within the

UK!”

We need to consider parliamentary autonomy—“in all its procedural, institutional and other aspects, with a broad overview remit to consider the wider implications of particular changes or proposals for change, of procedure, policy, structure or operation, including any unintended or unexpected consequences for, as appropriate, public engagement, procedural effectiveness and efficiency and so on.”

Madam President, we have been handed a rare opportunity to be part of some historic ground-breaking development as parliamentarians, as we have seen the first female President who, as Sen. Small rightfully reminded the public, forms part of the Parliament and we will also witness autonomy for the Parliament of the Republic of Trinidad and Tobago within our term, Madam President.

The reality is, however, that this Motion comes with an ultimatum and somewhat contradicts itself, because the Motion quotes from the PNM’s manifesto where we identified clearly that we support parliamentary autonomy. Sen. Dookie quoted from the PNM’s manifesto himself. And therefore we commit to its presence on our legislative agenda within our current term in office. But the Motion seems to still seek our confirmation again and this time with an ultimatum in the form of bringing this legislation within a couple of weeks, by April 30<sup>th</sup>, which we think is unreasonable.

And, the PNM’s manifesto forms our Government’s policy. This manifesto document is something that we take very seriously. We have seen where there have been other manifestos which would have promised various things and never delivered them and we could only look at the last set of promises that the country would have received in terms of, the promise of legislation to deal with fixed-term

limits and proportional representation and the right to recall and so forth which were never realized. And therefore, we would like to state openly that that is not the modus operandi of the People's National Movement.

So let me wrap up by saying the Government recognizes the importance of parliamentary autonomy and has considered all the work done so far we remain committed to our manifesto promises in our current term in office, but cannot agree with this Motion which seeks to force the Government into rushing into an unreasonable time frame for legislation on the Joint Select Committee to deal with this parliamentary autonomy.

We would like to ensure the Members of this Senate and by extension the citizens of Trinidad and Tobago that the Government will continue its legislative agenda and parliamentary autonomy is one of the prominent items we will address within this term in office. I thank you, Madam President. [*Desk thumping*]

**Sen. Clive Dottin:** I am very happy to be here this evening, Madam President. Not always here, so I am glad for the opportunity. I was thinking, it is one of the less controversial issues that would not see any polarizing and shooting from one side to the next. Of course, we on the Independent Bench generally do not engage in shooting. But, so far so good, and I think it is an excellent idea, so I too want to lend my support and compliment Sen. Wade Mark for bringing this Motion before us, because I think it would only serve to deepen, strengthen and reaffirm our democracy and democratic institutions.

I would like to join all here in saying that I am very impressed with the parliamentary staff in this Parliament, very impressed. [*Desk thumping*] In fact, names like Greenidge and the rest, I could call from heart, because it is just operating, if I could just use a slightly big word, with quintessential efficiency,

*[Laughter and desk thumping]* and therefore that is a plus, and I feel the public service could benefit, as one speaker said before, from following the example. Where we have reached right now and we have to be very careful, we have to analyze where the country is, and I sense, in spite of the little “parler” here and there and the cut and thrust of debate and who will form the next Government and who will not form the next Government, in spite of all that, to my mind it is done in a sense of goodwill. For example, I listened to Sen. De-Freitas, when he was finished, I saw Minister Paula Gopee-Scoon and Dr. Khan rejoicing and then Sen. Hosein came up and gave a good contribution too and I saw the other side rejoicing. And I see no malice in this. I think everybody wants to see this debate go in the right direction and the need for parliamentary autonomy.

Very interestingly, when I looked at the Netherlands, looked at Italy and looked at the United Kingdom, it is amazing that some experts in the world believe that Italy has gone to the extreme, because I noticed in Sen. De Freitas’ contribution, he is concerned about absolute power corrupting absolutely. However, they have gone to the point where the Parliament could stand before a court, the Parliament all by itself, you know, because they have what is called a legal framework and they have their own separate legal entity. That is number one. They can even acquire property. So what it said, they have a legal personality. That is the term I was looking for, the Parliament by itself has a legal personality.

And then they engage in contracts in law. We may not want to go that far, and if I should take up on Sen. Ronald Huggins immediately, I would just like to cut to the chase immediately and say, if even April 30<sup>th</sup> is an unreal date—but I think we should have a date because this has been prolonged for a little while. If I

am right here, I see from 2014 come down, that is about three and a half years or whatever, so I am saying, I recognize there is goodwill, both sides.

You know, Madam President, what is a very interesting thing in the Westminster brand of democracy we practise is that, generally, and even in this country, when you are in Opposition you love the idea of Constitution reform, you know, but when you get in Government you almost forget. So that goes for both sides, [*Desk thumping*] that goes for both sides, and therefore reform is always necessary.

When I looked at Jason Jones, who is an openly gay person, he is discussing the issue of the buggery law. And it appears to me that when a person brings a presentation against a particular law what he tries to prove, or the organization he represents or she represents, tries to prove is the issue that the law that exists is against the human rights enshrined and which should be guaranteed via the Constitution. And that is what, you know, you always have to appreciate. So number one is, we are on a good platform here; both sides. I see everybody appreciates the need for greater parliamentary autonomy. How far you wish to go, whether you wish to go with the United Kingdom, you wish to go with Holland, which to my mind is the middle of the road and whether you wish to go with Italy that has to be another situation.

Now, I buy the point about power, you know, Sen. De Freitas, through the President, I buy the point, because I heard where some philosopher said that politics has a way of attracting psychopathic personalities. Now, that might not be so in Trinidad and Tobago, but clearly there is always that tendency if I should wax religious, Sen. Khan, for the carnal mind to come out there when you have to deal with power. And therefore since I believe, based on mistakes we have made

in terms of the whole crime and violence and family and somebody, Ella Andall, stealing the soul of the nation, we could be in danger if we do not act properly and even if we act incrementally we could be in danger of moving from a passive anarchy which we are witnessing right now, and frankly, as a pastor I would say that the major problem has been the breakdown in the family.

We could hire 10,000 more police officers, Government and Opposition, and have a load of weapons and give them and bulletproof vests. We might end up empowering a few of the corrupt ones if you please there, unless we have a spiritual reengineering of this society and a social and cultural reengineering we are not going [*Desk thumping*] to go very far in terms of where the society is. So therefore, all of us must want what is best for the country, what is best for the Parliament.

Where I see—you know, I was driving this morning and I was listening to the Joint Select Committee with—I have to be careful how far I go here because you have given a ruling, but the issue of state institutions and how much salaries people get and sometimes the infusion of nepotism and cronyism and all of that and you have to wonder if a lot of people who are positioned in this society have lost their souls, have lost their consciences. And Parliament being the highest court in the land, not interpreting law, that is for the Judiciary, but perhaps one of the last bastions of democracy, we have to have empowerment of those parliamentary committees.

When I see Sen. Small, for example, sitting down, his name is Small, but when he sits on that JSC he is large, you know, he is large and to my mind he represents the robust, intelligent, diligent application of what parliamentary committees could do when it comes to the oversight work. I am blessed. I mean, I

listened this morning, I nearly crash the car, because I am saying, I mean, you know what this institution reminds me of, Caroni. Could you imagine Caroni was losing money all the time and people still used to bleed Caroni with corruption? I mean, I am talking about way back when, you know.

**Madam President:** Sen. Dottin, I understand what you are saying but I just want you to be careful in making an analogy to anything that has been presented and there is not a determination as yet, okay? Thank you.

**Sen. C. Dottin:** All right. I appreciate that. You know I always listen to Madam President. I am still learning. It is my “eleventh session”, so my eleventh time, so I am still learning. So what I am saying is, I appreciate where we are going. I want to move the debate from personal benefits, I want to even move it from the partisan politics that surfaces every now and then to what is best for Trinidad and Tobago. [*Desk thumping*]

If this Bill is producing what is best for Trinidad and Tobago I am all for it. And since it is my conviction and I hear both sides, I believe that this is the direction we should go in. And therefore I give it my wholehearted support. It falls to each of us here in this society to understand what Jeremiah, chapter 1:3 says that before we were born God ordained us to be here today. Before we were born, God had a plan for our lives. And when I come to this Parliament I think about divine and spiritual accountability, Madam President, and why we are here and for what purpose are we called. And since there is a word in theology called, the kairotic moment as opposed to the chronological moment, therefore we are here to create history and we are here to turn the tide, because in this nation the tide needs to turn. And when you see what happens, and I am not referring to any one state institution here, but when you see what is happening out there and how

some people, you know, some of us have a tendency to exploit, and given the history of the past 40 years or 50 years in this country, there is always a need to deepen the democratic process and empower.

So to my mind, the great example, when I see how certain Joint Select Committees function, and I have watched it for the past three years particularly, when I see how they function, if we give those Joint Select Committees a little more power, and if parliamentary autonomy means that, and it means that we will facilitate that, we will have a better Republic of Trinidad and Tobago. And I think everybody should appreciate that.

Now, you know, Robert Moss in his book, *The Collapse of Democracy* and I recommend this for every parliamentarian, anywhere in Caricom, talked about, you know, leaders sitting down on a branch, cutting the branch and still expect not to fall. So what he was saying, by consistently eroding the pillars and the institutions, and I think all of us would confess that some of our institutions are in a bind and I believe, Madam President, every person in this Senate here and perhaps in the other place would like to see institutions strengthened and like to see parliamentary bodies have the kind of, not just autonomy, but the strength, the empowerment to make a difference and to call to account people who should act in the best interest of the state, but are not acting in the best interest of the state. I think that is very important.

It was Albert Einstein who said that:

“The only thing more dangerous than ignorance is arrogance.”

And sometimes the parliamentary bodies have to look at the blend between ignorance and arrogance that could destroy a nation.

Incidentally, William B. Yeats in his poem, “The Second Coming”, spoke

about:

“Things fall apart; the centre cannot hold;”

When I did literature for teacher training I thought, parliamentarians, that it was Chinua Achebe who created that. Not knowing it was William Butler Yeats in, “The Second Coming” talks about:

“Things fall apart; the centre cannot hold;

Mere anarchy is loosed upon the world,

The blood-dimmed tide is loosed, and everywhere”

—have mercy, you have—

“The ceremony of innocence is drowned;”

And then he makes a critical point:

“The best lack all conviction, while the worst

Are full of passionate intensity.”

Now, what we have to do in this Parliament is that we must have conviction. We must be numbered among the best and we must have the strong conviction to make a difference in the Republic of Trinidad and Tobago.

So what I see happening here, ladies and gentlemen, that since we are the highest court in the land we have to protect the just from the corrupt, rather than protecting the corrupt from the just. That is where this society has to go and anything that would strengthen—I believe, Madam President, that we need to have research assistants. I buy into that. I am not sure about the pension thing, because I think a lot of us may have our additional jobs; how many more pensions we might want I do not know.

So that may be another issue, but I am saying that we have come to a point in the history of Trinidad and Tobago where we would do well to take into account

the book, *The End of History*—in the last days, by Francis Fukuyama. Because we have to find a way to protect that which is good and the noble citizens of this country who are prepared to stand up for what is right, and to my mind Parliament being the highest court in the land anything we do to improve the function of Parliament must be an excellent thing. It must be a great thing. How we improve it and how far we go with autonomy is a question that I think Sen. De Freitas raised, that we must take into account in a big way.

Francis Fukuyama spoke to the issue of the thymotic individual. And if I should just say to the Parliament right now, he said that the world is endangered because thymotic individuals are endangered. And he dared to suggest in his book, *The End of History*—in the last days, that the “thymotic” individual—he had to borrow from Greek, thymos, which means, with a passion for justice and with a passion for nobility. And to my mind that is why we are here. We have to demand accountability, and what struck me here is that I heard passing reference by two Senators in terms of the Tobago situation, granting Tobago a certain level of autonomy. But I am saying, how we could talk about parliamentary reform and autonomy without looking at constitutional reform, when constitutional reform invests power in the parliamentary bodies.

So to my mind you could hardly talk in terms of parliamentary reform without having a commitment to wider constitutional reform. I feel strongly—when you read all the parliamentary documents and all the laws and principles and codes, they tell you that the parliamentary committees, you know, what is enshrined in the Constitution is the authorities right there. So therefore, to my mind, things like campaign finance reform would help, any attempt to have parliamentary autonomy and reform, the issue of procurement legislation, that

seemed to have gone into a stalemate, but I think it is emerging right now with the appointment of the special committee.

**Hon. Senator:** The board.

**Sen. C. Dottin:** The board, yes. So I am saying that, number one, we as parliamentarians have to be genuine. Number two, we must do our homework and the research and therefore if having research assistants and empowering these already great workers here and sacrificial workers to do even more, we could help, you know, we could help that process further so it will empower us as it empowers them. And thirdly, what I find is lacking even as we talk about constitutional reform is the vision for the nation. Do we envisage a drug-free society, a crime-free society, a corruption-free society, a society that has integrity as number-one point on the agenda? What do we see? What do we want from the Republic of Trinidad and Tobago?

And therefore, when I come here and I hear about, you know, the whole issue of parliamentary function being to appoint staff, you know, look at financial resources and manage internal governance, I say all of that could only happen in Trinidad and Tobago if we have a complete reframing of perceptions and if we have a philosophical catalyst to drive the change we want to see, and for the change we want to see we have to be the change ourselves. Mahatma Gandhi stated that, we have to be the change we want to see in the entire population.

I cry for the country, I am telling you and I will tell you why I see this as very important and calling bodies to account, whether it be it the Police Service Commission, whether it be the Prison Commission, whatever it is, whether it is a state board, whether it is Petrotrin, I will tell you why I see it as critically important right now. When moral and spiritual pillars are corroded in the society you cannot

expect very much. The society will collapse. There are no two ways about that.

Madam President, you would be amazed to know, I had to fight two persons belonging to two separate security agencies and risk my life in 2017 to save a girl who was beaten by a drug lord, all right, with a gun. And when I understand that people who were supposed to help us to provide security and they betray their sacred trust and the principles by which they operate and that is becoming—it is not an isolated case.

We have people who are paid by the State who sell out the State. And therefore, it evolves upon us as parliamentarians whether we are the Government or Opposition, and I have said before, outside of here and I am saying it today, the time has come for us to forget who is Opposition and who is Government and spend the next year in doing what is best for the country, strengthening institutions, putting country before self and understanding, whether we be Government or Opposition, we must want right now what is best for the entire society of Trinidad and Tobago. And that would take a transformation of the mind and a transformation of the thinking, because Plutarch said, *déesse aliquod entos*, there is something lacking inside. We are born via sin that way, there is something lacking inside.

And therefore, there has to be a social and spiritual re-engineering inside each of us to want what is best for the country and have this spiritual proclivity and capacity to resist temptation, to betray the State and move forward. And that is why I am very, very happy to support this and I hope there could be a meeting of the minds, you know, Leader of Government Business, Leader of the Opposition, in the Senate, the Independent Bench, a meeting of the minds to have this done appropriately, meaningfully, in the best possible time, Sen. Huggins. Because

where we are right now, this country is on a knife edge and it takes the thymotic individuals, go back to Fukuyama, to stand strong. We do not want what Frantz Fanon said in his book, *The Wretched of the Earth*, neo-colonizers, who are worse than our colonial masters. Somebody told me recently, the oil industry, at least they could have seen the colonial masters at record-breaking time. But now the local ones are difficult to see sometimes. And I am saying it evolves upon all of us to have that heart for the nation.

You see, Orwell made a statement, eh. He said:

“The further a society drifts from the truth, the more it will hate those that speak it.”

And we must be the living embodiment of truth in the society, we must be honest to ourselves. The pay might not be so great and I do not want to tread on dangerous ground about pay and comparing salaries right now; the pay might not be so great, but, Madam President, we have to have a conscience that says, Trinidad and Tobago is in a difficult situation. We are not studying who wins the next election, we are studying as the former President, Max Richards said, we are studying the next generation. And we want to move forward.

You know something, Madam President, the kind of thinking we need to have, if even I did not vote for the Government in the last election I must want the Government to succeed. You know, that is the kind of nobility we must have in the society and therefore it is more than research assistants, it is more than what we could get, a benefit we could get. It is more than—you know, that is important. Those things are important, but more importantly is that we have a heart for the Republic of Trinidad and Tobago, that we move it forward, that we would prepare to die to save the nation. That is where we have to go and that is where I think

this, the strengthening of these parliamentary committees, the affirmation—and I am strong on the Joint Select Committees—but if we empower those Joint Select Committees and, by the way, before I sit down, you know what power is?—Balswick, a great leadership expert said, you know what empowerment is? He says, empowerment is the transfer of power from one person to a next person or from a person to a group or from a group to a person. That is what empowerment is all about.

And I am just blessed to support this Motion, Sen. Mark, congratulations again and I think—I hope there is a whole level of maturity so that both sides would say, you know, this is best for our country, or because we cannot do it April 30<sup>th</sup>, we could do it May 30<sup>th</sup> or June the 30<sup>th</sup>, it is needed. We have to call people to account—and by the way eh, we cannot have integrity in a society without strong enforceable accountability.

And people must pay a price. You cannot have people, Madam President, just let me refer to yesterday. We cannot have institutions losing funding over the past 30 years and people giving themselves hefty increases. Madam Allyson West, you know, in the Ministry of Finance, I mean that has to be unconscionable and we have got to speak out about that. [*Desk thumping*] We have got to speak about that. That is something that must stop in this society and we have got to tell people, to my mind, eh, whoever was in power is not important. There is a divine hand in charge of this country and they are saying, if even the PNM was in Government 20 years before or the UNC was in Government 10 years ago, what is required right now is a selfless approach to national development.

So therefore, if this new change, this parliamentary autonomy could advance the process forward by five steps, praise the Lord. And I am saying to all of us,

we—“...have come to the kingdom for such a time as this”. The book of Esther, chapter 4, if you please, Sen. Small, we—“...have come to the kingdom for such a time as this”; let us do what is best for the nation, let us not lose this moment; to my mind we have lost a lot of time already for the past few years in moving this process forward. And I believe if we have nobility and we love the country unconditionally as we love God, something great is going to come out of this and I wish us all the best. I am giving away some of my time, may God bless you and I thank you very much. [*Desk thumping*]

**Sen. Taharqa Obika:** Thank you, Madam President. It feels good coming after such a spirited contribution—

**Sen. Ramdeen:** Yeah.

**Sen. T. Obika:**—from the hon. Sen. Pastor Clive Dottin. I feel privileged to come after such an esteemed man of faith.

Madam President, as I contribute to the Motion for a case for financial autonomy of the Legislature of Trinidad and Tobago in the Parliament, I want to cite two main sources, one being the Houses of Parliament Service Authority Bill, 2014, which many Members have cited and another document cited by some Members as well, the Administrative and Financial Autonomy of Parliamentary Assemblies, a report prepared by Mr. Michel Couderc of France.

**5.45 p.m.**

Madam President, the system of our democracy is built on three pillars, on the principle of separation of powers and the independence of the Legislature, the Executive and the Judiciary. I want to submit that, unfortunately, despite the many strides we may appear to have made, we have not arrived at the autonomy of our Parliament that we desire. The Parliament, as the Legislature, is the main

lawmaking body of this land, and it cannot be said enough that such a body needs to be autonomous.

Madam President, my contribution is anchored on the old adage: Who pays the piper, calls the tune. Because what I am going to be focusing on is the concept of financial autonomy. So many hon. Members of the Senate made contributions regarding autonomy, in general, with some specifications and some detail, but I want to zone in on my area of interest which is the financial autonomy because, again, I am anchoring it in that old adage that who pays the piper, truly and in actual fact, calls the tune.

Now this saying will not be lost on our citizens here in Trinidad and Tobago because we are well aware of the importance of the paymaster in all spheres of life and the ability of that position to set the pace and the agenda, and to always be bearing down on the minds and the consciences of persons in the execution of their duties. I am not in any way casting aspersions on the personalities, being the staff and the officers of Parliament, but I am saying this is rather a human condition, and I stand to be corrected by anyone who is a trained psychologist, which I am not, and I will not profess to be. But I submit that the concept of the paymaster bears down on the consciences and it affects the work programme indirectly, and in many cases, directly.

Now I want—before I go into the meat of my contribution, permit me to respond to two contributions by hon. Members opposite. The first one I would like to contribute to is Sen. De Freitas. And I always look forward to the contributions of the hon. Senator because, you know, I believe it is good that all Members of this House contribute to all debates. My colleague, Sen. Hosein, already made reference so I would not go along the lines of his analysis of Sen. De Freitas’

contribution. But Sen. De Freitas made a point about having sittings in Tobago, and I, for one, must say that I would enjoy going for a break in James Park, as I did when I was a junior economist in Tobago and a teacher in Tobago. I mean, after all, the park is named after none other than Alphonso Philbert Theophilus “Fargo” James, “Fargo” being his nickname; “Fargo” being the strength that he embodied. He was a pioneering member of this Legislature, starting in 1946 and ending in 1961.

**Hon. Senator:** Who is that?

**Sen. T. Obika:** That is APT James, after whom the park in Tobago is named. All right?

So, Sen. Hosein reminded Sen. De Freitas about the current collapse of the sea bridge under this Government, and I want to add that with the bursting at the seams of our national Caribbean Airlines, one wonders how will we get to Tobago and back, logistically? [*Desk thumping*]

Madam President, the contribution of the Deputy Presiding Officer referring to careers ending or exhaling and inhaling, I want to invite the hon. Member to recall that saying that we also have in some parts of this country that what goes up must come down, truly. But really, what they actually say is, do not spit in the sky as it will fall in your eyes. Now, no one here can claim to be a soothsayer, none of us, no one. And the goodly Senator, my colleague, Sen. De Freitas, predicted one’s career ending an extension of another. But there is another saying: Time is longer than twine, and every rope has an end. [*Desk thumping*] So be careful how you dance because it is neither you nor I who hold the keys to our political future. It is the people of Trinidad and Tobago. [*Desk thumping*]

So, Madam President, I want to turn to another sterling contribution from

hon. Sen. Ronald Huggins. In his contribution, Sen. Huggins to this debate said that the PNM has a plan. And I would not have the hon. Member be deceived about the PNM having a plan, because, really and truly, they have no vision and they lack leadership. Sen. Huggins also said that people without a vision shall perish, and there can be no truer saying because as he was quoting from the King James version of the *Bible* because this Rowley-led PNM Government is without vision and in the next general election shall perish in favour of the United National Congress. [*Desk thumping*]

Sen. Huggins made mention about a boat, or a ship, in passing, or in accident, but it seems that the goodly Senator did not get the memo, because given the total mismanagement and incredible corruption with the sea bridge cited by none other than the Prime Minister, with the inter-island ferry breaking down, he did not get the memo that no one in the Rowley PNM speaks of boats, ships or vessels, [*Desk thumping*] because that is the greatest calamity that has befallen this administration.

**Sen. Ramdeen:** Bridge, Baksh and bobol.

**Sen. T. Obika:** Now, Madam President, after I have now responded, much to the chagrin of a Member opposite who I am hearing through the crosstalk—I believe it is Sen. Cummings—

**Hon. Senator:** “He coming tuh come.”

**Sen. T. Obika:**—to his favour, I shall now return to the Motion before us. Now, let us examine how Parliament gets funded. Now, when you look at the current construct of the system of votes, that is being the funds allocated via the Appropriation Bill which must be channelled through the Ministry of Finance and then the Executive having a direct hand in the details of expenditure, it begs the

question as to whether at all we have real autonomy in our nation's Parliament. I want to submit that we do not have real autonomy, and in this specific case I am referring to financial autonomy.

Madam President, one does not have to strain one's imagination too far to conjure a scenario where this lack of financial autonomy can affect the functions of the officers of the Parliament. Because, in the conduct of its oversight functions in the Joint Select Committees that the Parliament has to do in its daily operations, one must bear in mind that the career prospects of all staff could hang in the balance if the Executive takes personal offence as a result of matters ventilated in the course of their duty.

Madam President, when you consider that the Parliament has to examine and analyse the very Appropriation Bill, that is the annual national budget, you can imagine the quandary an officer of the Parliament is placed in. So there is a dilemma of the officers of the Parliament. This dilemma is, "damned if you do, damned if you don't", if I may use that expression. If I may not, I can withdraw. Thank you.

So I will explain that expression. A professional is bound to their code of ethics to be objective-minded in their productive efforts, all professionals, regardless of their sphere of endeavour. However, if you have to be heavily critical of an Executive based on your professional credo with the power to frustrate your professional advancement directly, then it places enough motivation for such an officer to deviate from their professional credo in instances where they may feel that they may step on the wrong corns of persons who may affect their future earning prospects. Madam President, this ability to affect the professional motivations of officers of the Parliament is one argument to advance the need for

financial autonomy of Parliament.

Budgetary autonomy: Madam President, these are technical terms and I believe I should explain what is meant by that, and that is based on the document that I cited in the sources as the “Administrative and Financial Autonomy of Parliamentary Assemblies”, a report prepared by Mr. Michel Couderc, in September 1998. And I will present that record for *Hansard* after my contribution.

So, Madam President, based on the report cited at the beginning, parliamentary assemblies, I want to lament that in Trinidad and Tobago our nation’s Parliament falls in that one-third of assemblies where Parliaments—and I need to read this part.

The budget for Parliament is:

“...subject to the intervention of the Ministry of Finance.”

“...the preparation of the draft budget, before its presentation and the vote in plenary session, constitutes the determining phase for gauging the autonomy of each Parliament.”

So the preparation of the budget, not the approval of the final document, but the actual work involved in preparing the budget before its presentation, is important for it to be considered budgetary autonomy. Now, Madam President, the budget in most Parliaments is voted on at a sitting. In many cases, and I submit similarly in Trinidad and Tobago—with the opportunity to be corrected—the budget is hardly debated in Parliament and agreed upon without amendment, even when successively examined by the two Chambers in bicameral Parliaments, as we have here in Trinidad and Tobago.

I want to go on to the autonomy of other bodies, apart from the Parliament in Trinidad and Tobago. Having spent some time in Tobago, as I said as a teacher

and subsequently as a junior economist in the Division of Finance, I understand the benefits of financial autonomy in the context of Tobago, because the office I worked in was focused on that. That is the Fiscal Policy Research Unit. There is a saying in the Akan language in Ghana, Madam President, when translated to English, loosely reads: Before you accept the gift of cloth from someone, you first examine the cloth that the giver is wearing. But we are here in the Parliament in the Republic of Trinidad and Tobago, seeking to grant autonomy to Tobago, but yet that which we are seeking to grant, we do not have on our own. [*Desk thumping*]

Now this scenario, based on the saying I previously elucidated, really and truly, bears the obvious embarrassment of the current situation. We are offering a gift of cloth which is, we are offering autonomy to the THA, but we ourselves do not have that which we are offering. Ethically, in the exchange, there is something that is difficult with that.

**Mr. Lee:** Do as I say, not as I do.

**Sen. T. Obika:** Let us go on to the local government bodies, Madam President. When the UNC brings local government reform we will bring a model that mirrors the best example of local government in Trinidad and Tobago. But I want to, at this time, deviate from my text to look at two articles in the newspapers that bring to light the issue of autonomy in our Legislature and, well, in all our elected bodies and the importance for that. Just as we have the Tobago House of Assembly, we have municipal corporations in Trinidad which would also need to have some devolution of powers and some sort of autonomy. But in the *Newsday* article on Wednesday, 3<sup>rd</sup> January, 2018, by Richardson Dhalai, the headline is:

“No money but 3 corporations think big

They may not have received any funding for the current financial year as yet, but the vision and plans of at least three regional corporations are as diverse as the burgesses they serve.”

Madam President, this is the 3<sup>rd</sup> of January, three months after the beginning of the financial year and they have not yet—they have returned after the break for December and they have not seen the funding that is required to execute their work agenda.

I go on to a second article, and I would need to read a little more on this one, with your permission, Madam President. This is from the *Trinidad Guardian*, written by Radhica Sookraj, published Friday 5<sup>th</sup> January 2018, and the headline is: “Four corporations get funding”, and I read:

“With hundreds of local government projects at a standstill, Local Government Minister Kazim Hosein has announced that funding for this financial year has finally been released to four regional corporations by the Finance Ministry.

These included the PNM-controlled San Fernando City Corporation and Tunapuna/Piarco Regional Corporation...”

Given my time, Madam President, I will continue that after, but I will go on to say that we are seeing releases being withheld from regional corporations, being stifled and starved of funds which have been approved for the fiscal year, simply because the Minister of Finance does not have time for them. The work of local government bodies must not be at the whim and fancy of a Minister of Finance or an Executive. This is not a dictatorship; it is not a nation run by decree. This is a democracy and in a democracy it must be [*Desk thumping*] that it must be top down, one per cent down, the 99 per cent majority.

This is in direct contrast to the leadership shown and displayed by Kamla Persad-Bissessar from 2010 to 2015 where all local government bodies, regardless of whom they voted for, were well resourced [*Desk thumping*] in a timely manner and in an environment of respect. As we have—time permitting—it is only about 30 seconds before, I will start on another point which I will continue, and that is the proposal for fiscal federalism. Fiscal federalism rests on the concept that moneys of the State is best administered at the local levels rather than a decentralized level of the State. I know Dr. Henry would understand what I am talking about. Therefore, even though we may not have a federal state in Trinidad and Tobago, legislating predetermined ranges for spending at local levels and at the Parliament, will give officers in those bodies the ability to engage in long-range planning. [*Desk thumping*]

### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Sen. Obika. Madam President, I beg to move that this Senate do now adjourn to Wednesday the 4<sup>th</sup> of April, 2018, at 10.00 a.m.—please note, 10.00 a.m. On that day we plan to complete debate on the Anti-Gang Bill, and very likely we should accomplish that mission.

**Madam 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*]

### Police Service

#### (Government's Influence on)

**Sen. Wade Mark:** Thank you very much. Madam President, the first matter I would like to address deals with what we perceive as an attempt by the

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Government to influence the police service on how they should carry out their operational duties and functions when they are confronted with certain activities. Madam President, you would recall that it was sometime in November of last year when we had some disturbance, almost like a gridlock on the highway, in which residents of Beetham robbed and attacked motorists, and as you recall, it was a very terrible experience for many motorists and citizens in the country. Of course, it was a lapse in intelligence, a lapse in national security that led to this mayhem on that fateful day.

Of course, the Government, as you recall, assembled a press conference and the Minister of National Security, the Commissioner of Police and the Prime Minister were in attendance at that particular press conference. Now, at that particular press conference, the hon. Prime Minister— the headline in the Saturday, November 25<sup>th</sup> copy of the *Trinidad Guardian*, stated: “PM draws line in sand on Beetham anarchy”.

Madam President, we will all agree that if there is a breakdown in law and order, the police and law enforcement must do their job. But we have a civilised democracy thus far, although at times threats are made to its stability. And we have a situation in which I wish to draw to your attention a statement attributed to have been made by the Prime Minister, and he has never, from November the 25<sup>th</sup>, 2017, to the present time, denied this statement, and I quote from the *Trinidad Guardian* of that same date:

“The PM said he had instructed Williams”—who is the Commissioner of Police—“to seek out the wrongdoers from Thursday and the Defence Force will provide support during the round-up of these individuals. As for those who encourage others to break the law and incite violence, he said they will

find no sympathy from the Government.”

Now, Madam President, you will agree with me that democracy is never undermined or subverted, or even contaminated in one fell swoop. Democracy is eroded incrementally by actions and decisions taken by a government. And the reason I raise this particular matter, is to bring to the attention of this Senate, when a Prime Minister says he is instructing the police to take action against the wrongdoers, the Prime Minister has crossed the line. [*Desk thumping*] The Prime Minister has no authority under the Constitution and under the Police Service Act—like the Minister of National Security, he has no authority to instruct any police officer, from a constable to a Commissioner of Police, to carry out any instructions—[*Desk thumping*—no authority.

So, Madam President, I wanted to make it very clear today that that attempt by the Prime Minister to bully the police, as my colleague would have said earlier but in another context—to bully the police into following what he considered to be his instructions is totally out of line. Madam President, I have a book written by Kenneth Lalla. It is entitled *A Republic in Constitutional Transition*. And I want to quote a certain section of this very important text because he made reference to the Police Service Commission and the role of the Minister of National Security, and the role of the police, from a constable to a Commissioner of Police. And hear what he says, Madam President, on page 158 of this text. He says:

The question of who manages the police has been a perennial problem, although constitutionally the police service falls under the portfolio of the Minister of National Security who has the general direction and control over it.

So, the Minister of National Security has the general direction and control over the

police.

On the other hand, whilst the Commissioner of Police has the day-to-day management of the police and is supposed to be independent of the political directorate in his role of law enforcement and keeping the peace, the Minister on the other hand is answerable to Parliament for the deficiencies of the service.

Madam President, he goes on further to say:

In a democracy, the role and function of the police is circumscribed around crime detection, law enforcement and keeping the peace. In enforcing the law of the land—and I want to emphasize this point, Madam President—a constable, right up to the Commissioner is the servant of no one, save the law itself. [*Desk thumping*]

May I repeat this, Madam President? May I repeat this? Because a lot of errors are being made by this Government and we have to bring it to their attention. I want to repeat this:

In a democracy, the role and function of the police is circumscribed around crime detection, law enforcement and keeping the peace. In enforcing the law of the land, a constable right up to the Commissioner, is the servant of no one save the law itself. No Minister of the Government can, and should tell either of them who to prosecute or who to arrest. Moreover, a police officer is the servant of the law and answerable to the law and the law alone, when enforcing the law.

So, Madam President, the reason why we have a Police Service Commission is to separate the politicians from contaminating and interfering in the operations of the police in the execution of their independent function. And for a Prime

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Minister to go on record—and he has never denied this; he has never withdrawn that statement, by stating that he has instructed the Commissioner of Police to take action against wrongdoers. The Police Commissioner, under the law of Trinidad and Tobago, cannot take instructions from any Prime Minister. And no constable—and I am telling police officers, through this House, that the Minister of National Security, the Prime Minister, or any other Minister, cannot give you instructions to carry out any operations. That is an independent function—

**Madam President:** Sen. Mark, your time is up.

**Sen. W. Mark:** Yeah. Independent function of the—

**Madam President:** Minister of National Security. [*Desk thumping*]

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam President, for giving me the opportunity to respond to this Motion which, as I saw it, is the need for the Government to desist from attempting to influence or direct the police service on how to carry out its operations or function. I listened to Sen. Mark a while ago and I think he is a bit confused as to what the level of operation is and what the Government is all about.

Madam President, let me say that this Government has not, and will not, and so far has not interfered with, the day-to-day or the operations of the Trinidad and Tobago Police Service. The Constitution is quite clear, under section 123A (1), and if you allow me just to read it briefly so that I can come to the meat of this subject. And it says—123A(2):

“The Commissioner of Police shall have the power to—

(a) appoint...”

In fact (1):

“...the Commissioner of Police shall have the complete power to manage the

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Police Service and is required to ensure that the human, financial and material resources available to the Service are used in an efficient and effective manner.”

It is quite clear in the Constitution what the Police Commissioner is responsible for, and he is responsible for the operation of the force. But let us start with definitions, because “national security” is about identifying the threat to the people, the institution, the democratic value and the Constitution of Trinidad and Tobago. At the end of the day, it is the Government now to set the policies and strategies to treat with those threats. And it is the Government also to look at the people, the institution and the financial resources to treat with those very threats. And this is what the Government is all about.

This Government is about setting policies, about setting strategies and providing the institutions the capital to ensure that whatever institution is created, to treat with that. And it is in this vein, the Trinidad and Tobago Police Service is, in fact, that institution—the institution by law—to treat with crime and violence in Trinidad and Tobago.

Madam President, it is clear that this Government understands the separation of powers. We understand the whole dictate from Montesquieu that speaks to, at that time, the distribution of power, commonly known as the separation of powers now, and this Government respects the separation of powers in terms of the Executive, the Legislature and the Judiciary. This Government fully understands that the Police Commissioner is responsible for operation. The Government is responsible for policy and strategy, and it is through that vein, the Government sets out quite clearly, in its Vision 2030 document under the Governance Structures, which deals with law and order in Trinidad and Tobago, and it sets out quite

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clearly what it means in that policy document.

And I would like to say, Madam President, that to date, the Ministry of National Security, under my leadership, has just had Cabinet's approval for the first Ministry of National Security's Strategic Plan, 2018 to 2023. [*Desk thumping*] It never happened before in the history of the Ministry of National Security, and that is anchored in the Vision 2030 document.

Madam President, why I am saying that is to make it quite clear in terms of the Government's policy and strategy that enforces or influences what happens at the operation level. It is within that strategic document, as Minister of National Security, we have given the agencies of national security five strategic imperatives: prediction, deterrence, detection, prosecution and rehabilitation. Those are issues that allow the agencies, including the Trinidad and Tobago Police Service, to carry out their functions. To date, I have not said we have instructed them in any way. But understand the linkage that I am drawing, the policy and strategy.

And this is what Government is all about. This is what this Government is all about, setting the strategic framework for the Trinidad and Tobago Police Service to do their operations.

**6.15 p.m.**

And so, we are quite clear in the separation that we cannot instruct the Commissioner of Police, and I can tell you what Sen. Mark refers to as the Prime Minister instructing Stephen Williams to seek out wrongdoers, we can say at the policy level and strategy level that we have to deal with crime and criminality, we have to deal with the security. This is what the Government must say to the agencies of national security. The Government is responsible for the security and safety of the citizens of Trinidad and Tobago and we must be able—as Minister of

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National Security, I can and must be able to say to the agencies of national security, we have to defend our coastline, we have to defend our borders, we have to do operations to deal with crime and criminality. As to how it is done, is left to the heads of the various agencies.

I cannot tell the Commissioner of Police to take three policemen, 100 policemen into Laventille or Enterprise. I cannot. I cannot tell him how to do his tactical operations, but as a Government we have to say we are concerned about crime, we are concerned about criminality, we are concerned about violence and, therefore, Mr. Commissioner of Police, you have to treat with the issues of crime in Laventille, you have to treat with the issues of crime in Enterprise. And that is what this Government is all about, Madam President. At the end of the day, the Police Commissioner determines whether he wants to send 100 people into Enterprise, a 100 people into Laventille, or 100 people in—The Chief of the Defence Staff can determine whether he sends two boats or three vessels into the Gulf of Paria, or the north coast, or the east coast. We cannot. That is the operational control that is given to them by virtue of the various Acts under how they operate, but they do not operate in a vacuum.

The agencies of national security do not and cannot operate in a vacuum. They cannot do things that are inimical to the State because at the end of the day, the Government is responsible for the safety and security of the people, the institution and values of Trinidad and Tobago, Madam President. [*Desk thumping*] And what you are seeing from this Government is proper leadership and proper governance. [*Desk thumping*] We do not go down into the weeds, we do not go down into the operations, but we are doing that because we are doing that from a strategic perspective, from a policy perspective, and it is laid out for us, Vision

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2030, the Ministry of National Strategic Plan, their strategic imperatives. It is very easy for the agencies of national security to follow those strategic imperatives to execute their duties.

Madam President, it is quite clear the Government is also responsible for providing the capacity, the capital and so on. And so, you can see this Government has done an excellent job in terms of providing the capitals, [*Desk thumping*] in terms of providing the institutions to ensure that the Trinidad and Tobago Police Service and other agencies are doing their jobs efficiently and effectively. We have said to them, tell us what is required for you to do your job effectively and efficiently and we would provide it, given the economic constraints, we would provide it to make sure that you do your job effectively and efficiently. This is what governance is all about. This is what we are all about. It is not about going down into the weeds and operations, Sen. Mark. I think he is a bit confused. He does not understand the levels, strategic policy; policy, strategic and operations. He does not understand it. He is confused.

And so, Madam President, let me put it quite clearly that the Motion that Sen. Mark raised here is, to my mind, without merit and without foundation.

I thank you. [*Desk thumping*]

**Freedom of Expression and Speech**  
**(Citizens' Right to Practise)**

**Sen. Wade Mark:** Thank you. Madam President, the other Motion I have deals with, again, the Government of Trinidad and Tobago in its impatience and maybe intolerance, and not being able to fully appreciate the rights and freedoms that are enshrined in the Constitution that citizens enjoy, for example, the freedom of expression. Every citizen has the right to freedom of expression and freedom of

speech.

Madam Speaker, you remember some time ago there was an episode involving a controversy surrounding the Prime Minister's visit to China and there was some talk about he was disinvited and it caused a lot of confusion, and eventually many commentators—the newspapers, the media rather, commentators like Reginald Dumas, Mariano Browne as example, Robin Montano, the media as I said—they commented on this development, and we had a verbal assault unleashed on a very distinguished son of the soil—Sen. De Freitas, from your island where you were born, Tobago, birth certificate to show as well. You know, Madam President, Reginald Dumas was attacked in the most vicious way and insulted by this gentleman called the Minister in the Office of the Prime Minister and Minister in the Office of the Attorney General and Ministry of Legal Affairs.

Madam President, I recalled and I want to just draw to your attention a statement that was made by the particular individual in question. He shouted at the senior citizen of our country, an elder statesman, and he is quoted in the Friday, November 17, 2017, *Guardian* as saying the following. He says:

“Every commentator who didn't see the statement from the Chinese Embassy on (the change) pre-empted it as they were hell bent on trying to create an issue that doesn't exist - including a former head of the public service who started off saying ‘I don't know'...”

Now, he is talking about Mr. Reginald Dumas who is the former head of the public service, and he said:

“Quite simply put, sir, if you don't know, don't comment if you don't have the facts before you.”—don't comment.

Now, Madam President, what I am saying Mr. Dumas responded. That is what is

so wrong with it because in other words you cannot—you see, in a democracy—

I remember a French philosopher saying, I may detest what my brother Clarence Rambharat, Senator, that is, may say, but I will defend his right even to the point of death, dying, to allow him to say what he has to say. [*Desk thumping*] He was a famous French philosopher, Voltaire. Voltaire was the man who said that and that is the point I am making, Madam President. In our country we have freedom of expression and that is why we have a democracy, but when you have a Minister of Government issuing these kinds of statements, insulting statements, to senior statesman like Reginald Dumas, it is unbecoming, and it was a subtle attempt by the Government through this all-purpose Minister—[*Interruption*]

**Madam President:** No, no, no. Sen. Mark!

**Sen. W. Mark:** Okay, Madam President, I withdraw that.

**Madam President:** Yes, thank you.

**Sen. W. Mark:** The Minister in the Ministry of the Office of the Prime Minister, okay? Sorry about that, Madam President. So at the end of the day, he was attempting to bully and he was trying to intimidate not only Mr. Reginald Dumas, but Mariano Browne, and the media, and Robin Montano, and all of us, and said you know when the Government speaks you must not even respond. If you do not agree, shut up! That is the attitude that the gentleman was displaying and we are saying that is wrong. I want to quote something here. Mr. Reginald Dumas responded and he said—and I wanted to say that to my brother Sen. De Freitas, but I will say that at another time.

Dumas said, “I was serving”—Trinidad and Tobago. Sen. De Freitas listen to this carefully because it falls in your corner. “I was serving”—Trinidad and Tobago—“before Young’s birth”. [*Desk thumping*] Before you were born I was

serving. So you want to come and tell me that you have time, Madam President, [*Desk thumping*] but I will deal with Sen. De Freitas in due course. So, Madam President, I want to tell you that as far as I am concerned, Mr. Reginald Dumas, a distinguished son of the soil and a statesman, was really insulted, assaulted, attacked by the Government, and you know what is important? Since this statement was made by the hon. Minister Stuart Young in November 17, 2017—this is when it was reported in the newspaper in the *Trinidad Guardian*—not a word from the Prime Minister, not a word from the Attorney General, not a word from the Government. So, Madam President, you know what the conclusion is? The hon. Minister Stuart Young had the full backing of the Government when he attacked Reginald Dumas [*Desk thumping*] and when he attacked Robin Montano, and when he attacked the media in Trinidad and Tobago, and when they also attacked Mariano Browne.

So, Madam President, I bring this Motion to your attention, and to the honourable Senate's attention, to emphasize that the Government is going down a dangerous road. People have the right to speak, people have the right to express their opinions, and more so a Government Minister should never get involved in that kind of acrimonious exchange with a citizen like Reginald Dumas, Mariano—well more so Reginald Dumas, and that is why, when I read— Madam President, how many seconds I have again?

**Madam President:** You have one minute.

**Sen. W. Mark:** All right. Yeah, yeah. Thank you very much. Madam President, I call on the Government, through the Ministry of National Security who is going to respond, or whoever is responding, to desist from this action in the future and allow the citizens of Trinidad and Tobago to comment freely and openly on any

matter that they see fit, including criticizing the Prime Minister or criticizing any Member of the Government. We do not live in an autocracy, we do not have an authoritarian regime here. We live in a democracy and you must respect the rights and freedom of every citizen of this Republic.

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

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, in this season of Easter and goodwill it would be most ungrateful of me to not be nice to Sen. Mark, considering his willingness to lay down his life for my right to speak. But let me assure Sen. Mark that as well intentioned as his Motion might be, he raises a fair comment made by a Minister in a particular context that he has described fairly well. He raises fair comment to the level of a threat to a well enshrined Constitutional right, and that is the failing of this Motion.

In defence of the Motion, of course, Sen. Mark as usual, is inflammatory, contradictory and wholly exaggerated, and let me say why. He himself, Sen. Mark, had set out the context. This is a factual situation, the Prime Minister's trip to China being rescheduled. The Minister, having in his possession a certain set of facts, presents those facts, and Mr. Dumas providing a response to those facts, and both are entitled to do that. And that is at the heart of the freedom of expression, both are entitled to do that. Sen. Mark himself has supplied the words used by Minister Young, "if you don't know don't comment", and that is good advice. That is as simple as it was, if you "don't" know the facts then "don't" comment, and he is entitled to do that. I do not think that Mr. Dumas needed a Motion in his defence. I felt that his answer was also fair comment and perhaps factual because I am sure, if my memory serves me right, he would have been serving the country

before Minister Young was born. It is fair comment, and it is factual, and that is the essence of freedom of expression. [*Desk thumping*]

Let me take Sen. Mark four decades backwards in a headline in the *Express* that was freedom of expression, ULF Grab for power, and the media came under attack by the ULF faction back then. A little later on, “Chutney Rising”, 1996, the *Guardian* headline that caused Mr. Panday to develop very frosty relations with the *Guardian* and the media in general. Some would say that Chutney Rising led to the 1997 discussion paper put forward by then Attorney General, Ramesh Lawrence Maharaj, called towards a free and fair media, and what would also say, Madam President, that that 1997 discussion paper was the foundation upon which Mr. Panday stood on Indian Arrival Day and used his now famous pseudo-racist comment. And all those that I have recounted, Madam President, whether you agreed with it or disagreed, were all to those who stood in defence of their right and exercise of the right to freedom of expression, and balancing all of that has been the opportunity for persons who feel offended by a particular comment to take the appropriate action in court, and so did Mr. Gordon and he succeeded all the way to the Privy Council, winning at the first instance, the second instance, and at the Privy Council.

But let me close by saying this, Madam President, one must be very careful—and I mean no offence to Mr. Dumas and his distinguished service to the country, but one must ask, was it so imbalanced, or was it a politician in Mr. Young directing a comment to a politician in Mr. Dumas? Because Mr. Dumas is not outside the arena and it is arguable; this is not private citizen Mr. Dumas; it is arguable. One could google Resett 1962 and you would find an entity, a movement founded by Mr. Dumas, and I am not saying that it is political. The

website proclaims that it is not, but if you go, Madam President, on to the website of Resett 1962.org you would see under the heading “We Will Be Sharing Soon”, and the first paragraph reads and I read:

“At least once per month we will be having a presentation document on issues we propose proves that the present government of Trinidad and Tobago are guilty of bad governance.”

So would it be unfair to commend, Madam President, to suggest that maybe Mr. Dumas is a politician and the comment by Minister Young was that of a politician directed to another politician, which raises the issue and places it in a different place, under section 4(e) of the Constitution where we deal with political opinions, the right to express political opinions.

Madam President, as well intentioned as the Motion might be, Sen. Mark on his own accord has provided the facts which gave rise to the comment and he himself has said, it was nothing more than if you “don't” know “don't” comment. With all due respect to Mr. Dumas and his long years of service, I think that is fair comment and nothing in that rises to the level of a threat to the constitutional right of freedom of expression. [*Desk thumping*]

### **Greetings**

#### **(Spiritual Shouter Baptist Liberation Day)**

**Madam President:** Hon. Senators, Spiritual Shouter Baptist Liberation Day is to be celebrated shortly, so I now invite Senators to bring greetings. Sen. Cummings. [*Desk thumping*]

**Sen. Foster Cummings:** Thank you, Madam President. Madam President, Spiritual Shouter Baptist Liberation Day will be celebrated in Trinidad and Tobago on March 30<sup>th</sup>, which is Friday of this week. This year it falls on Good Friday, a

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Sen. F. Cummings (cont'd)

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very important day on the Christian calendar.

Madam President, although Spiritual Shouter Baptist is fused with elements of Christianity and robust African rituals, most Spiritual Baptists see themselves as Christians. What exactly are we celebrating with Shouter Liberation Day? In 1917, the Shouter Prohibition Ordinance was passed. This in effect made the practise of the religion an unlawful act and resulted in the persecution and prosecution of members of the Spiritual Baptist faith. It was in 1951, some 34 years later, that the passage of that repressive and oppressive piece of legislation was repealed by a Motion moved by the late Ashford Sinanan, an Opposition parliamentarian, and it was supported by the Government.

Today in 2018, Madam President, in Trinidad and Tobago, all religions including Spiritual Shouter Baptists are free to worship and practise their religion as our National Anthem declares “Here very creed and race finds an equal place”. It is with pleasure and pride that as a practising Spiritual Baptist myself to bring greetings on behalf of the Government Bench, and to wish all Spiritual Shouter Baptists a blessed and holy Spiritual Shouter Baptist Liberation Day. May God bless our nation. [*Desk thumping*]

**Sen. Wade Mark:** Yes. Thank you very much, Madam President. I too would like to join with my Spiritual Baptist colleague in this period to record our collective utmost respect and reverence on behalf of our Bench and on behalf of the alternative Government. And that is to record our deepest appreciation and admiration for the courage, the amazing strength of the Shouter Baptists as we celebrate not only the 22<sup>nd</sup> anniversary of Spiritual Shouter Baptist Liberation Day, but also the 67<sup>th</sup> anniversary of the repeal of the infamous Shouters Prohibition Ordinance.

Madam President, Spiritual Shouter Baptist Liberation Day will be celebrated on Friday, March the 30<sup>th</sup>. Members of the Spiritual Baptist faith, we all can recount their persecution, brutalization, the terrorism that they experienced, the jailing that they experienced simply for practising their faith during British colonial rule. The story of the Spiritual Shouter Baptist is one of strength and courage, and for 34 years citizens of the Baptist faith were banned from practising their God-given right to worship the God of their choice and the faith of their will.

Members of this faith, of course, during that period, defied this unjust law, and the colonialist, as I said, arrested, harassed and jailed many of them simply for standing up for their freedom. My colleague made mention of Ashford Sinanan during that period in terms of the repeal or the repealing of that infamous Ordinance, but I want to also, Madam President, remind this honourable Senate, through you, this largely unrecognized hero, Albert Gomes, he was instrumental in having that oppressive piece of legislation repealed, and whilst the Government from '56 right onward attempted to remove this icon from our collective memory, history will recall his significant contribution to our religious freedoms by standing up to the powers then in the 50s. So I think, Madam President, it is important that we do not allow our icons and our heroes to go unsung and to go unrecognized. Albert Gomes who was a former Chief Minister in this country will go down in the annals of our history as a hero and an icon of the Baptist people in fighting for their liberation and freedom.

So I would like to say, it gives me great honour and pleasure in joining you, my colleague rather and others in bringing real powerful greetings to the Baptist community. Madam President, they have not only contributed tremendously to nation building and national development all told, but they have brought very

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powerful values to our country, and their commitment to family and church and community remains outstanding today. One of our heroes and founding fathers of the labour movement, Tubal Uriah “Buzz” Butler was an outstanding and extraordinary Baptist—that gentleman.

So, Madam President, I want to say on behalf of our Bench, on behalf of the Leader of the Opposition, the hon. Kamla Persad-Bissessar, and on behalf of all of us, may I extend to the Baptist community, happy Shouter Baptist Liberation Day. And to you, Madam President and your family, and to my colleagues on all sides of the Bench and their respective families, happy Shouter Baptist Liberation Day; and to the staff and to the police officers, may I also extend happy Shouter Baptist Liberation Day. [*Desk thumping*]

I thank you very much.

**Sen. Paul Richards:** Thank you, Madam President. It is indeed an honour to be able to bring greetings on behalf of the Independent Bench on this occasion of Shouter Baptist Liberation Day, being someone who was baptised both in the Catholic faith and, later in life, in the Baptist faith. The Baptist faith has brought to Trinidad by the Merikins, former slaves, recruited by the British to fight as the core of colonial marines against the Americans during the war of 1812.

At the end of the war, these ex-slaves were settled in Trinidad to the East of the mission in many areas including Savanna Grande now known as Princes Town, and some in Moruga in six villages since then called the Company Villages. These settlers brought with them the Baptist faith. While those that settled in the Company Villages were exposed to the Baptist missionary society influences, those that settled in the north practised their beliefs as brought from America and other areas with the inclusion of African religious practise and beliefs joined by

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those they met here which blossomed into the group now known as Spiritual Baptists.

**6.45 p.m.**

The activities of the Spiritual Baptists in Trinidad and Tobago were prohibited in 1917 by the Shouter Prohibition Ordinance, simply because certain people in society were offended by the manner of worship, including exuberant chants and singing and shaking, among other issues, which was eventually repealed in 1951. The late Opposition parliamentarian, Ashford Sinanan, moved to repeal the Ordinance under the PNM Government and was successful. Today's Spiritual Baptists can practise their religion freely. The United National Congress granted them a holiday and also gave them land on which to establish their headquarters showing that both major political parties in Trinidad and Tobago have made significant contributions to the liberation of Spiritual Baptists in this country. In 1996, the then Government of T&T granted a public holiday to the Spiritual Baptist faith to be celebrated, as we know on Friday coming, the 30<sup>th</sup> of March, called Spiritual Baptist Shouter Liberation Day in memory of the struggle and in recognition of the repeal of the prohibition law. To my knowledge, Trinidad and Tobago is the only country and certainly, the first that celebrates a public holiday for the Spiritual Baptist faith.

This day commemorates the repeal of the 1917 Ordinance. Prohibition meant that many of the rights enshrined in our present day Constitution were denied Spiritual Shouter Baptist, and that means persons of the faith were arrested and hounded for practising their religious and spiritual beliefs. Teacher Patrick of Sangre Grande served a three-month prison term for conducting baptisms in the river. Leader Roach earned himself the name "Braveboy" for preaching at street

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corners, in spite of rotten eggs being pelted at him. Leader Harold Lackeye was put into prison for six months for preaching and was put on bond. Leader Smith of Roxborough was beaten and arrested for conducting a baptism and Pastor Guiton of Tunapuna was raided several times and had to pay high fines. This is the history that brought us to today and why we are celebrating.

Madam President, the proximity of Spiritual Baptist Shouter Liberation Day, to this most important week, and days in the Catholic Christian Holy Week and weekend, including Holy Thursday, Good Friday on which Spiritual Shouter Baptist Liberation Day will be celebrated and observed, Glorious Saturday and Easter Sunday, Jesus Christ was crucified, died, buried and rose from the dead in fulfillment of the scriptures is not lost on me and I guess, many of us. We are a beautiful multi-ethnic, multicultural, multi-religious society. Now, we have many differences. We are bonded by unifying principles that serve to unite us as a nation.

As we observe and celebrate Spiritual Shouter Baptist Liberation Day, let us not take these rights and freedoms for granted. Many have struggled, suffered, and in some instances died, for the privileges we enjoy today, and we in this august House should know more than anyone else that these privileges come with responsibilities. Our country's watchwords are: Discipline, Tolerance and Production and while we understand the intention of our founding fathers and mothers had in mind, fortunately, I believe that we have moved beyond tolerance and progressed to embracing each other's observances and practices, which moves us closer to building one nation for many peoples.

On behalf of the Independent Bench, I take the opportunity to wish members of the Spiritual Shouter Baptist faith God's richest continued blessings, continued

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strength and progress and also to the people of Trinidad and Tobago. I thank you.

[*Desk thumping*]

**Madam President:** Hon. Senators, permit me to join with the previous speakers in bringing greetings on the upcoming celebration of Spiritual Shouter Baptist Liberation Day.

Spiritual Shouter Baptist Liberation Day epitomizes the best in all of us. It epitomizes the triumph of resilience over oppression. From 1917 to 1951, there existed a shamefully discriminatory law that prohibited the legal indulgence in the practices of the body known as the Shouters. But our Spiritual Baptist brothers and sisters were not deterred. They fought and lobbied until on April 12, 1951, the Shouters' Prohibition Ordinance was rightfully and forever repealed. It epitomizes the inventiveness and ingenuity of our people.

The name Spiritual Shouter Baptist is indigenous to Trinidad and Tobago. It is a unique religion, comprising elements of Protestant, Christianity and African doctrines and rituals. The perseverance and ingenuity and the abilities of the Spiritual Baptists are an example to all of us, who sometimes feel weighed down by the circumstances of our existence and shows us that there is hope beyond despair and there is victory beyond struggle.

I, therefore, wish all Spiritual Baptists and the rest of Trinidad and Tobago, a happy Spiritual Shouter Baptist Liberation Day. [*Desk thumping*]

**(Easter)**

**Madam Speaker:** Hon. Senators, I will now invite you, my colleagues, to bring greetings on the occasion of Easter.

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** Thank you, Madam President. Fellow Senators, I

rise to extend heartfelt greetings and joyous wishes on behalf of the Prime Minister Dr. the Hon. Keith Christopher Rowley and the Government of Trinidad and Tobago, to you, Madam President of the Senate, all my sisters and brothers in this honourable House, the Christian community in particular, and indeed all the people of Trinidad and Tobago as we savour the holy and glorious period of the Christian celebration of Easter, the birth of the new covenant, recognition of the abundant and amazing grace through which all civilization has been so magnanimously but painstakingly redeemed.

Madam President, while we jubilantly join with our Christian community in embracing the unparalleled and supreme benevolence and spiritual redemption, we must not fail to call to mind the true deep and meaningful significance of this awesome era in history and the positive transformational impact which it stamped on the advancement of world civilization. For the holy season of Easter reminds all of us of one inescapable and indelible lesson, a lesson that all of us in this honourable Senate will do well to reflect and dwell upon as we articulate our positions on opposite sides of this Chamber, seeking to place one another compellingly on the road to development and progress for all the people of Trinidad and Tobago.

You see, Madam President, and my fellow Senators, the message is simply this. It is that the festival of Easter, just like that of Christmas, puts us all in a frame of mind when almost instinctively, we set aside, even for that very brief moment, our misgivings, our unkindness, our venom, our rancour, our bitterness and, perhaps, our malice, as we find ourselves overwhelmed by the assurance of the new and lasting covenant, which the Lord Jesus Christ so selflessly and graciously purchased for humanity through his agonizing death on the cross, his triumphant resurrection from the grave, and his glorious ascension into the

heavenly kingdom. Even as we go about our daily lives, unconcerned and in many instances, totally disconnected from our Creator sometimes, our Saviour, whose ascension we glorify, continues to advocate for us the new and abiding covenant. It is a promise of eternal life; no acrimony, no hatred, no revenge, no deception, only day by day, hour by hour, protecting, defending, advocating, and championing fearlessly and faithfully for a better way of life for all of mankind.

Madam President, and are these not attributes which we, as servant leaders of the people, are called upon to emulate, to preach, to promote and to practise? Advocacy for a better Trinidad and Tobago, a better standard of living for all, better community living, an environment in which we can all dwell together in peace, in harmony, in love, free and fair and free from fear, peaceful co-existence. For, Madam President, brothers and sisters, this was what this crucifixion, the resurrection and the ascension was all about. This was the purpose of the sacrifice on the cross, appropriation for all our misdemeanours, laying aside all enmity and lawlessness. For sin is lawlessness. It was all about forgiveness, a measure of forgiveness that, after all these centuries, still knows no boundaries, a sacrifice of self to the extreme of death for the common good, well-being and welfare of others. Greater love had no man than this that he laid down his life for his people.

Madam President, on the occasion of this joyous celebration of Easter, my wish and that of the hon. Prime Minister and Government of Trinidad and Tobago is that we use this period for introspection and reflection, for examination of our inner selves, for renewing of our souls and for awakening of our spirit, that we exude all the bountiful attributes of love, peace and kindness towards one another. That and especially in this daunting environment of senseless crime and unprecedented economic reversals, we join our hands and hearts in fervent assurance of a bright, blessed, bountiful future and boundless faith in our national

vision of a better tomorrow.

On behalf of the hon. Prime Minister and the Government of Trinidad and Tobago, I extend best wishes for a happy and holy Easter to all the people of our beloved Trinidad and Tobago. May Almighty God bless all of us, all of Trinidad and Tobago, and bless our newly elected first female President of our beloved nation.

I thank you, Madam President. [*Desk thumping*]

**Sen. Gerald Ramdeen:** Madam President, it is with great humility and honour that I rise to bring greetings to the Christian community on the celebration of Easter, on behalf of the Leader of the Opposition, Mrs. Kamla Persad-Bissessar, on behalf of the Opposition Bench and on behalf of all of the people of Trinidad and Tobago.

Madam President, Easter is the celebration that comes at the end of our Lenten fast where the Christian community celebrates the passion, the crucifixion and the resurrection of our Lord Jesus Christ, and it is the highlight of the calendar year for the Christian community. It represents for us the triumph of light over darkness.

In celebrating the passion, the resurrection and the ascension of our Lord, Madam President, many a times we reflect and we concentrate on the passion of Christ, and in so doing, during the Easter season, we sometimes fail to take into consideration the pain and the suffering that our Holy Mother went through at that time throughout the passion of our Lord. And I make that analogy today in bringing greetings, because as a society, there are many mothers, today, that are going through that same passion that our Holy Mother went through, more than 2,000 years ago when the Lord, through Easter and through the crucifixion, gave his only begotten son to save all of us from sin and to give us the chance to

experience everlasting life.

We, in the Christian community, Madam President, celebrate, through Easter, two of the mysteries, the Sorrowful mysteries, that represent the passion of Christ and the Glorious mysteries that represent the ascension, the descent of the Holy Spirit, and the ascension of our Lord. In bringing greetings during this time, I would like all of us to use the Easter message in a way that I think can benefit all of the citizens of Trinidad and Tobago, which is that when Christ had to suffer his passion through the agony in the garden, the scourging at the pillar, the crowning with thorns, the carrying of the cross, and the crucifixion, the one thing that I think we can all collectively take from that is that as citizens of Trinidad and Tobago, no matter how dark it may seem and how far away the light may seem at the end of the tunnel, we ought to all collectively follow the example of our Lord and take up our cross for the benefit of Trinidad and Tobago.

It always is said: the Lord does not give us a cross that is too heavy to carry. The message of Easter is one of forgiveness because you must never forget the words of our Lord before he died: Father forgive them for they know not what they do, and sometimes it is, perhaps, the most difficult thing for us to find that forgiveness in us because of what we have endured as a society. One can only wonder how, in that time, in His last words, our Lord said: Forgive them for they know not what they do.

But, Madam President, on this occasion of Easter, I think that as a society, if we all take up our cross, the answer for our society is not throwing our hands in the air and crying out to the Lord. The answer is taking up our cross and carrying our cross, like the Lord did more than 2,000 years ago, to signify the faith. Because we are all here today, like the disciples were after the Lord was crucified wondering where they will go and what light they will find at the end of the tunnel.

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But after three days, because of their faith, our Lord rose, and it is from that resurrection that today, we can celebrate those glorious mysteries of the resurrection and the ascension of our Lord Jesus Christ. That is the message that I wish to share with all of the members of the Christian community, no matter which sector of Christianity they follow and to all of the citizens of our country, that as citizens of Trinidad and Tobago, Madam President, we can all do better.

As we celebrate Easter and the resurrection of our Lord, I want to ask each and every citizen of our country to take up their cross, not throw your hands in the air and cry out. Let us take up our cross and believe that we can do better. Let us have faith that after the darkness, there will be light. Let us not lose hope, let us believe.

And, Madam President, with those words, I want to wish you and your family and all of my colleagues in the Senate and all of our citizens of Trinidad and Tobago a happy, a holy, a prayerful and a safe Easter. Thank you, Madam President. [*Desk thumping*]

**Sen. Melissa Ramkissoon:** Thank you, Madam President. I rise on behalf of the Independent Bench to bring Easter greetings, and as we celebrate Holy Week in our country, we are reminded of Christ resurrection marking a new beginning for all of us. It was a new covenant and there are three messages that are shared by the Easter story or the Easter message, and one is the tomb is empty, Christ the Lord is risen, and three, Jesus is alive.

Jesus took the sins of all people at all times upon himself, that through his death, all might live. Fully alive, free from slavery of sin, protected from death, it was the start of something new for the people of God, a new understanding, a new vision, a love fulfilled.

As the rains refresh the earth and bring new life, so does Easter waters bring

new life and hope to each and every one of us. Easter is the very basis of our Christian beliefs. It is the reason for our faith, hope and love, and love not only for our family members or friends, but love to our communities, those who may hurt, those who do not even know that they need love. Our example is what gives that reason for the Easter message. And the good news of Easter gives us meaning for life. Indeed, it gifts us with everlasting life. Through our daily interactions, we spread the wonderful message of Christ, and we let our light shine ever so bright. We have the opportunity to bring the joy of Easter to the children we care for by retelling the stories of Jesus followers after the resurrection and singing hallelujah songs.

Let us rejoice in the signs of new life and thank God for his many gifts, and celebrate God's love for us. Be sure that everyone knows that this is not a time of grieving but a time of rejoicing. As the song writer always says: God is not dead. He is alive. [*Interruption*] That is another one. As we celebrate Easter, and especially to the Catholic community and other lines of Christian religions, Easter is celebrated in churches, Parishes, but we need to keep it our hearts and keep the story and life of Jesus and take the time to pray and recommit ourselves to our mission and vision. Take time to enjoy celebrating with your family and renew and refresh yourselves.

As we all know, John 3:16:

For God so loved the world that He gave his only begotten Son that whosoever believes in Him shall not perish but have everlasting life.

And we also know that for God did not send His Son into the world to condemn the world, but that the world might be saved through him. We know the Easter message, John 3:21:

But whoever lives the truth comes to the light so that His works may be

clearly seen as done in God.

So, Madam President, with these few words, I want to extend my wishes and my heartfelt blessings. As we celebrate Easter as a people, may we always remember that God's grace that he may abide in us and with us. And to all my colleagues, Madam President, Presiding Officers, members of the public, I wish you a happy and holy Easter. Thank you.

**Madam President:** Hon. Senators, once again, I am delighted to join with those who have spoken before me in bringing greetings on the occasion of Easter.

Easter is the most important day on the Christian calendar, as it represents the fulfillment of God's promise to mankind. On Easter Sunday, Christ's resurrection from the dead is celebrated and Christians all over the world join in celebrating the victory of life over death. As we, during this Holy Week leading up to Easter Sunday, focus on the suffering of Christ on the cross and the grief and despair of those who loved him, we also remember that suffering, grief and despair gave way to joy and to the celebration of eternal life.

Here, in Trinidad and Tobago, many of us are going through our own Lenten experiences of despair and hurt, whether it is from being victims of crime or victims of domestic violence or suffering from financial difficulties. To those persons, and to all of our brothers and sisters, may the message of Easter be felt and experienced in an especially deep way, this year. And may we all feel the hope and the assurance of victory over darkness and death that Easter brings.

To all Christians celebrating Easter, to all parliamentarians here and to your families, and to the members of staff of Parliament and to all of Trinidad and Tobago, I wish you a happy and holy Easter. [*Desk thumping*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

Greetings Easter  
Sen. Ramkissoon (cont'd)

2018.03.27

*Adjourned at 7.08 p.m.*