

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
IN THE THIRD SESSION OF THE NINTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON DECEMBER 17, 2007**

SESSION 2010—2011

VOLUME 12

SENATE

Wednesday, January 13, 2010

10.00 A.M.

The Senate having assembled, and it being the first meeting of the Third Session of the Ninth Parliament of the Republic of Trinidad and Tobago, the Clerk of the Senate read the following Proclamation:

REPUBLIC OF TRINIDAD AND TOBAGO

No. 2 of 2010.

[L.S.]

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D., President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

George M. Richards
President

A PROCLAMATION

WHEREAS it is provided by subsection (1) of section 67 of the Constitution of the Republic of Trinidad and Tobago, that each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the President may by Proclamation appoint:

Now, therefore, I, GEORGE MAXWELL RICHARDS, President as aforesaid, do hereby appoint the Red House, Port of Spain, Trinidad, as the place at which the Third Session of the Ninth Parliament of the Republic of Trinidad and Tobago shall be held and 10.00 a.m. on Wednesday the 13th day of January, 2010, as the time at which the said session shall commence.

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 7th day of
January, 2010.

Prayers

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PRAYERS

[MR. PRESIDENT *in the Chair*]

Mr. President: Hon. Senators, His Excellency the President of the Republic of Trinidad and Tobago desires to address all Members of Parliament. The sitting is now suspended.

10.04 a.m.: *Sitting suspended.*

PRESIDENT'S ADDRESS

His Excellency the President of the Republic of Trinidad and Tobago, Professor George Maxwell Richards TC, CMT, PhD, addressed both Houses of Parliament as follows:

President of the Senate, Speaker of the House of Representatives, Members of Parliament:

At the outset, permit me to wish you all, Members of Parliament and your loved ones and the rest of the national community, a good and fruitful journey, in the year 2010.

As we begin this new year, I have asked myself: "How are we doing in Trinidad and Tobago at the start of the second decade of the 21st Century?"

In my view, one of the most critical matters facing the country is the need to increase its level of productivity. Globalization and liberalization are realities of the socio-economic landscape worldwide, and our society must secure the competitive edge which will enable it, not only to sustain, but also to increase its level of income and enhance the economy's growth potential.

The World Economic Forum (WEF), an independent, international organization, recognized in the global business community for its technical analysis of international economic issues, has recently released its latest annual Global Competitiveness Index or GCI Report. The WEF defines competitiveness as the set of institutions, policies and factors that determine the level of productivity in the country. The GCI is composed of a weighted average of several different components which are grouped into 12 pillars of competitiveness with 110 sub-indices. These include public institutions, infrastructure, macroeconomic stability, higher education and training, labour market efficiency, financial market sophistication, technological readiness and innovation. These pillars fall within the direct sphere of influence of the public, private and labour sectors.

Trinidad and Tobago falls into Stage 3, the highest level of economic development—innovation driven—with a ranking of 86th out of 133 countries

globally. While this represents an improvement from its 92nd rank in the 2008/2009 GCI, our position has deteriorated steadily since 2002/2003, when it was 42nd worldwide.

The GCI Report shows that Trinidad and Tobago possesses a competitive advantage in 28 sub-indices including, for example, national savings rate, quality of the education system, taxation and rigidity of employment and a competitive disadvantage in 81 sub-indices. These latter include pay and productivity, business costs of crime and violence, organized crime and capacity for innovation. Other problematic factors include poor work ethic in the labour force, inefficient bureaucracy, inflation and inadequate supply of infrastructure.

It should be noted that the GCI draws its information from both international hard data sources and from perception-based indicators which are likely to be extremely subjective. Nonetheless, it is abundantly clear that one of our major objectives must be a significant improvement in the competitiveness of the country and the public, private and labour sectors must all be deeply involved in this exercise.

Adequate infrastructure is a necessary, if not sufficient, requirement in the development of a country's economy. Top priority must be given to improving infrastructural services such as transportation, water supply, roads, telecommunications, waste disposal, irrigation systems and environmental protection. In all of these fields, the technology is already well developed and in its most appropriate form—which may not necessarily be the latest—and could be used without much research and development. While we are not altogether where we used to be, we are not where we ought to be in the above-mentioned areas and there is no gainsaying that they still require considerable attention in order to satisfy the needs of the population at large. These are basic needs without which we cannot expect to achieve the level of development that would move us into developed country status, which is our goal.

In this regard, no one can question the fact that the most important asset available to countries such as ours is their pool of highly trained men and women—for it is their understanding and work that ultimately drive effective action in national development. The foundation of social and economic development and growth is an educated population and in today's technologically driven world, an essential element of this is tertiary level education and training in science, engineering, technology, innovation, management and entrepreneurship.

It is a truism that in successful countries, the scientific, engineering and technological community has been the most critical resource for economic transformation and today we are seeing the world being increasingly made up of societies in which economic value is derived from knowledge, especially scientific and technical knowledge.

It is now abundantly clear that knowledge has become the critical factor in shaping economic life, as well as social and cultural values. Our universities: the University of the West Indies, the University of Trinidad and Tobago and the University of the Southern Caribbean, therefore have a most important role to play, since they are the main sources and channels of such knowledge. These universities must provide the intellectual and creative energy that is required to enhance the country's economic performance. Critically, also, the universities must connect with the communities or face the real possibility of being irrelevant to their development.

Although student numbers have been growing rapidly in the last five years or so, I estimate that much less than 10 per cent of our working age population has achieved tertiary education. This compares with 38 per cent in the United States, 36 per cent in Japan and 26 per cent in South Korea.

As a country, we invest approximately 1 per cent of our GDP in higher education, and while this represents a substantial increase within recent years, it is behind the performance of countries such as Australia, 1.5 per cent; Canada, 2.3 per cent and the US, 2.6 per cent. Moreover, in Trinidad and Tobago, private finance still plays an extremely modest role in university funding. Private finance in the US amounts to 1.4 per cent of GDP and 2.4 per cent in South Korea, compared with less than .1 per cent in Trinidad and Tobago. We need to develop a culture of private philanthropy. We need also to foster the tradition of raising money from alumni.

The European Commission has suggested that in a modernized university system, a total investment of some 2 per cent of GDP is the minimum required for knowledge-intensive economies. For example, the Nordic countries: Denmark, Finland and Sweden, are already leaders in public investment in higher education, and approach these levels. The view is that if less or close to 2 per cent of GDP in higher education cannot be invested, we cannot claim to be building a knowledge-based economy. All this having been said, it is crucial to note that there is a need for our universities to play their traditional role in ensuring that not every social value is measured in terms of technological achievement and the relative place of the nation on a notional ladder of competitiveness.

The traditional role of universities in examining philosophical and ethical questions in critical analysis of the social order and in fostering artistic expression, must be re-endorsed as they take on enhanced roles in orienting and training students for knowledge-based economic development. Some philosophic questions cannot be handled within the scientific tradition, and require examination of ethical and normative issues. Critical analyses of the social order must not only be retained but strengthened, especially in an atmosphere in which these achievements could easily be devalued.

But thirst for education, at whatever level, does not usually come suddenly; it has to be nurtured from the home and in school. Where are we failing in this regard? The failure is in the home, as well as in the school; but the major breakdown is in the home. Many of our family support systems of old are no more. Family life and the importance of community have been seriously eroded, and many of our current ills have their genesis in this breakdown; but merely bemoaning the fact is a luxury that we cannot afford.

Family life ought to be taught in teacher training colleges, so that partly through the school system we may seek to repair the damage that has been done. Non-governmental organizations and community-based organizations, formal and non-formal, can also help. It is a long haul and there are no quick fixes.

While progress is being made in the education system, to cite but one example, pre-school education, such progress is being hampered by the fact that proper values are not being inculcated in the home. If the value of education is not emphasized there, our children will ask: What is the point? Also, if some teachers, and I repeat, some, are merely doing a job and, having no vocation, do not perform as teachers should, but instead treat the school as a place where they sign in and sign out, again, the children will ask: What is the point?

That is why, in spite of the several and various programmes that exist for skilled training, so many of our young people remain outside the loop and seem to have no interest whatever in leading productive lives.

In spite of the availability of free tuition at tertiary level education, why are the numbers at university as low as they are? It has to do with the value that is placed on life and on education in particular. But what are the sanctions for negligence and, if there are, against whom and how are they put into effect? I ask you to ponder that.

Turning to the other end of the age spectrum, I believe that the time has arrived when urgent consideration should be given to reviewing the pension arrangements for public servants. It is no exaggeration to state that many retired

public servants live in penury. Under the present arrangements, these pension provisions remain fixed and unaltered for the duration of the retirees' lives. It should be easy to understand that with the passage of time, the rapid increases in the price of shelter, food and other commodities, the cost of living, on the whole, has eroded and will continue to erode the capability of such pensions to sustain the retired public servant and his or her dependants, if any, at any reasonable standard of living. This applies as much to former ambassadors and high commissioners, as well as senior public servants, including permanent secretaries and heads of departments, as it does to lower level personnel. Retirees from the judicial service face similar problems; moreover, ill health often compounds the situation.

Let us not delude ourselves, pensioners and other persons on fixed incomes are fully exposed to price inflation, even as many of them continue to service mortgages on their homes, some of which may have been used as collateral to finance their children's education. Unless pensions are adjusted, there will continue to be an automatic fall in the standard of living as prices increase. I dare say, the answer hardly lies in doing away with permanent pensionable posts, however attractive or expedient that may seem and for whatever reason.

Continuing in this vein, it is important that we be mindful of the realities of the daily grind that so many face, even in the midst of what one might describe as relative abundance. Within recent times, there has been clear evidence of the distress that can be caused when misunderstandings arise within the country, especially in the matter of governance. It became increasingly evident that serious gaps exist between good intention and the management and communication of such intention. In the final analysis, perception always remains important in relations among human beings, and we have a duty to be mindful of this fact.

Dialogue that sincerely permits another point of view and patience, are necessary ingredients for successful encounters where views diverge. The views, as well as the capabilities of ordinary people, should never be discounted. We need to listen to one another, as we build the country together, inside and outside of Parliament, seeking always to achieve balance in our relations.

This leads me to raise, as I have done in the past, the matter of the role of Parliament. What is it for? It has been said of the British Parliament of the 15th Century that it was "essentially an instrument of the Monarch's will". In our space, although we have borrowed the parliamentary system from our erstwhile

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colonial masters, there can hardly be any semblance of such an idea. This august place is where it is expected that the business of the people, including the least among us, will be conducted.

It must never be forgotten that such action as takes place in the House and in the Senate is intended to represent the interest of the people; all of us. It is clear, from the debate at the close of the last session of Parliament and from discussions among the people, that there remain serious gaps in the understanding of precisely what impact the new land tax legislation will have. For many individuals, this gap engenders the fear that the new legislation will be the source of undue hardship and that is why I look forward to having placed before me, as promised in the winding up of the debate in the Senate on December 30, 2009, such amendment or amendments as may prove necessary in the implementing of this new legislation.

Ladies and Gentlemen, in closing I ask the question: How are we measuring our progress in this year 2010? I am not only addressing those who are in this Chamber, but every citizen of Trinidad and Tobago, at whatever level. We have read of international indices; we have noted the perceptions of others. How do we rate ourselves—not just leaders, but all of us? If progress is to be measured by the improved quality of life of every citizen, which it should be, then we all have a part to play. Leadership is critical, particularly in this decision-making body in whose House we have gathered today. But that is not all. Leaders in business, labour and every other institution are crucial to the task. However, in a democracy, responsibility for progress does not lie solely with the leadership. Every citizen has choices to make and must be trained to do so.

However, in making progress, let us be mindful to preserve those things that have served us well. In addition, those elements of our history, visual and otherwise, which distinguish us from others, must be preserved. We have a duty to those who went before us and on whose shoulders we stand.

Thank you, Ladies and Gentlemen, for the courtesy of your attention.

Senators return to the Senate Chamber.

11.21 a.m.: *Sitting resumed.*

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. John Jeremie SC who is out of the country.

Senator's Appointment

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SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. NOEL GAYLE

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NOEL GAYLE, to be temporarily a member of the Senate, with effect from 13th January, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator John Jeremie.

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 12th day of January, 2010."

OATH OF ALLEGIANCE

Sen. Noel Gayle took and subscribed the Oath of Allegiance as required by law.

PAPER LAID

Address by His Excellency the President on the occasion of the opening of the Third Session of the Ninth Parliament of the Republic of Trinidad and Tobago. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]

To be printed as a Senate Paper.

ANTI-TERRORISM (AMDT.) BILL

Bill to amend the Anti-terrorism Act, 2005 to provide for the criminalization of the financing of terrorism and for related matters [*The Minister of National Security*]; read the first time.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. President. As provided by Standing Order 48(2), I beg to move that the next stage of the Bill be taken on Friday, January 15, 2010.

Question put.

Sen. Mark: Mr. President, may I? Thank you, Mr. President. We did agree with the hon. Leader of Government Business at the last sitting on January 04, 2010 that he would want to take this Bill on Friday, beginning at 10.00 a.m. I have had a casual glance and look at this very important piece of legislation. It does undermine very seriously the fundamental rights and freedoms of our citizens, and in those circumstances, I would like to appeal to the Leader of Government Business that you give us a little more time to look at this piece of legislation.

In those circumstances, Mr. President, I am asking the Government not to go for the entire 15 days, but at least we could begin the exercise on Tuesday morning at 10.00 a.m., when we will have some time to study the contents of this very weighty, loaded and very important piece of legislation. As you know, it violates sections 4 and 5 of our Constitution which deal with entrenched freedoms of our citizens, and in those circumstances, we in the Opposition would have liked to consult with the national community, with stakeholders, on the implications of this piece of legislation.

I know it would not be possible given the 15-day time frame, but I am appealing through you, Mr. President, to the hon. Minister and Leader of Government Business, that rather than take this Bill on Friday at 10.00 a.m., a few hours from now, if we could agree that we begin the debate on Tuesday of the following week at 10.00 a.m., so that we could get a little more time to study the matter.

Sen. Prof. Deosaran: Mr. President, I do not know if postponing the Bill will give the Opposition or other groups enough time to consult with the national community. But I think the more pressing reason that faces us is, whether the Members in the Senate will have enough time to peruse and digest the implications of this very important Bill.

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So briefly, apart from hearing the remarks by Sen. Mark, and after hearing the views of some Members on the Independent Bench, I myself feel obliged to suggest a consideration to postpone until Tuesday at 10.00 a.m., if it is at all possible, and perhaps the Leader of Government Business could tell us if the constraints are such that they will not prevent such a postponement.

Sen. Enill: Thank you, Mr. President. I have no difficulty with that except there is one condition, and that is, we would need to finish the debate on the Bill on Tuesday. Let me tell you why. The timetable that we had proposed recognizing that the Senate normally would have full debate on this matter was as follows: We would start the debate on Friday for the full day, and then will continue a full day on the Tuesday. The Lower House was scheduled to meet on Wednesday for consideration of this Bill, because on this matter we introduced it in this House first. The requirement was that we made a commitment I think, to have the Bill completed by January 21. That was always the challenge we had all the time. So we have no difficulty with postponing the next sitting to begin on Tuesday at 10.00 a.m., however, I would urge if consideration can be given for us to take the Bill to its conclusion on Tuesday.

Sen. Prof. Deosaran: I think I would be agreeable to that, but I do not know, Mr. President, if we can among ourselves agree that no Member, except perhaps the presenter of the Motion and the Leader of Opposition Business speak for more than 20 minutes to facilitate a resolution [*Applause*] of the—[*Interruption*]

Sen. Mark: I beg to differ. Mr. President, we are not on that. We will never compromise our position on these matters. I suggest, and this is like I am trying to restrain myself, but when we are dealing with fundamental rights and freedoms and you are bringing a Bill to infringe those rights, we cannot monkey around with that. Therefore, I ask the hon. Leader of Government Business—all of us will be speaking for one hour. So I want to make that very clear. So we will not be able to deal with it on Tuesday.

What I am saying, Mr. President, we would like to suggest with the agreement of the Leader of Government Business, let us come on Monday. Let us come on Monday, you start at 10.00 a.m. and we continue on Tuesday. That is what I would like to suggest.

Mr. President: I put the question or do you want to modify it, withdraw it?

Sen. Enill: Mr. President, the Government finds itself in a difficult position. You see, the purpose of debating the Bill on Friday was in fact to facilitate exactly what Sen. Mark is asking for on Tuesday. We recognized his policy has been that

everybody on his side will talk for six hours, and therefore what that now does is it creates for us a time issue within the context of the legislation. Monday was not contemplated simply because Monday—there are challenges of Monday.

So, Mr. President, if we are unable to get an undertaking to complete it on Tuesday, then the Government will have to go back to its Friday position. On this occasion, it does not seem to be another solution. Monday is not a time available to us.

Sen. Mark: May I make a final point, Mr. President? Under Standing Order 48(1), when a Bill is introduced we are entitled to 15 clear days. In spite of the circulation, 15 clear days. We are willing to make a compromise and say what we have advanced. If the Government insists that they want to violate and put it as a Motion, it is up to them. But we are proposing we come on Monday and continue on Tuesday.

Mr. President: Very well, I will put the question.

Sen. Enill: Having regard to the position of the Opposition, I would modify our approach, Mr. President, and we would adjourn to Monday at 1.30 p.m. in the circumstances, and we will attempt to move the debate as quickly as possible, well not as quickly as possible, but to facilitate the Tuesday afternoon. So the amended position would be that we start the debate at 1.30 p.m. on Monday and we continue on Tuesday at 10.00 a.m. to its completion, if that meets.

Mr. President: I would ask the Minister to move a new Motion then.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, as provided by Standing Order 48(2), I beg to move that the next stage of the Bill be taken on Monday, January 18, 2010.

Hon. Senator: What time?

Sen. Rahman: What time, Sir?

Sen. The Hon. M. Joseph: At 1.30 p.m.

Mr. President: Hon. Senators, before I put the question, I would just like to point out that I have given great indulgence to Members on all sides to discuss this matter on the floor of the Chamber where it does not belong. This matter ought to have been worked out privately behind the Chair, and when I put the question I put the question without debate or discussion. I have given a little bit of

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flexibility notwithstanding a fairly lengthy political speech from the Leader of Opposition Bench which really has no place here today. But notwithstanding, we have come to—and I am happy with what seems to be—a compromise decision, so we have worked out something to everybody's benefit.

Sen. Mark: I am a politician.

Mr. President: You are a Senator first, Sir. You are a Senator first.

Question put and agreed to.

ADJOURNMENT

Motion made and question proposed, That the Senate do now adjourn to Monday, January 18, 2010 at 1.30 p.m. [Hon. C. Enill]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 11.37 a.m.