

Leave of Absence

Tuesday, August 03, 2010

SENATE

Tuesday, August 03, 2010

The Senate met at 1.30 p.m.

PRAYERS

[MADAM VICE-PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam Vice-President: Hon. Senators, I have granted leave of absence to Senators Timothy Hamel-Smith, David Abdulah and Dr. Rolph Balgobin who are all out of the country.

SENATORS' APPOINTMENT

Madam Vice-President: Hon. Senators, I have received the following correspondences from His Excellency the President, Professor 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., PhD, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. SYLVESTER PETER RAMQUAR

WHEREAS Senator Timothy Hamel-Smith 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, 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, SYLVESTER PETER RAMQUAR, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Timothy Hamel-Smith.

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 3rd day of August, 2010.”

Senators' Appointment
[MADAM VICE-PRESIDENT]

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“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. LYNETTE ABRAHAM

WHEREAS Senator David Abdulah 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, 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, LYNETTE ABRAHAM, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator David Abdulah.

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 3rd day of August, 2010.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ Timothy Hamel-Smith
Acting President.

TO: MRS. PARVATEE ANMOLSINGH-MAHABIR

WHEREAS Senator Dr. Rolph N. S. Balgobin is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting President as aforesaid, in exercise of the power vested in me by section 40(2)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you,

Senators' Appointment

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PARVATEE ANMOLSINGH-MAHABIR, to be temporarily a member of the Senate, with effect from 30th July, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. Rolph N. S. Balgobin.

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 29th day of July, 2010."

OATH OF ALLEGIANCE

Senators Sylvester Ramquar, Lynette Abraham and Parvatee Anmolsingh-Mahabir took and subscribed the Oath of Allegiance as required by law.

SENIOR CITIZENS' GRANT (AMDT.) BILL

Bill to amend the Senior Citizens' Grant Act, Chap. 32:02 [*The Minister of the People and Social Development*]; read the first time.

Motion made, That the next stage be taken on Tuesday, August 10, 2010, as provided in Standing Order 48(2). [*Hon. S. Panday*]

Question put and agreed to.

PAPERS LAID

1. Audited financial statements of the Deposit Insurance Corporation for the year ended September 30, 2009. [*The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday)*]
2. Annual Report of the National Insurance Board of Trinidad and Tobago for the financial year ended June 30, 2009. [*Sen. The Hon. S. Panday*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Regulated Industries Commission for the year ended December 31, 2007. [*Sen. The Hon. S. Panday*]
4. Administrative report of the Ministry of National Security for the fiscal year 2009. [*The Minister of National Security (Sen. The Hon. Brig. John Sandy)*]

STATEMENT BY MINISTER

Torrential Rainfall

(Details of)

The Minister of National Security (Sen. The Hon. Brig. John Sandy):
Thank you, Madam Vice-President. I respectfully beg your leave to make this statement of national interest and importance occasioned by the island wide

Statement by Minister
[SEN. THE HON. BRIG. J. SANDY]

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experience of torrential rainfall and its devastation deposited on a number of communities in North, Central and South Trinidad over the past few days.

Before I do so, however, please permit me in this my inaugural address in this honourable Senate, to express my sincerest appreciation to all Members of this august body, my colleagues on this side, Members of the Independent Bench and indeed my esteemed friends of the Opposition, for their warmth, geniality and in some instances, advice with which I was welcomed to this office.

It is with the greatest respect that I acknowledge the leader of the Opposition in the Senate, as well the leader of the Independent Bench. I look forward to invigorating deliberations with which this honourable Senate is renowned and the sharing of wisdom, some of which we have already experienced by a number of esteemed Members with whom I am honoured to share this Chamber.

1.45 p.m.

Madam Vice-President, my only regret is that this inaugural address is one borne of tragic circumstances, resulting from the horrible weather experienced in Trinidad over the Emancipation weekend, which resulted in considerable flooding, as well as land erosion in several areas around the country.

Because of reports received from the Director, Office of Disaster Preparedness and Management (ODPM), the Prime Minister, hon. Kamla Persad-Bissessar, together with the Minister of National Security, on the afternoon of Monday, August 02, 2010, yesterday, participated in an aerial reconnaissance by helicopter to get a bird's eye view of the extent of damage done and being done by flood waters in particular. During that tour, we were able to observe the vast areas of flooding, particularly in Central Trinidad and South Trinidad, which generated impassable roadways, marooned residents in their homes and damaged vehicles, furniture and household appliances.

In the Harmony Hall, Gasparillo area, several housing units were flooded; cars were washed away and dwellers were confined in their homes surrounded by flood waters. The aircraft was able to land and the hon. Prime Minister was able to speak with some of the affected residents offering hope as well as help coordinated by the ODPM. In this regard, a number of teams including members of the defence force, the fire service, the Ministry of Works and Transport and the Ministry of Local Government were assisting affected residents throughout the night. This went on all of last night and into the morning, in attempts at providing relief.

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Various shelters were provided in respective areas to house the flood victims. In some communities, there was the requirement to utilize inflatable rafts to extract residents imprisoned by the rising waters in their respective homes.

Also witnessed were vast areas without electricity last night for several hours, a situation that further contributed to the environment of discomfort being experienced by those affected, and the deceleration of relief operations. Unfortunately, our aerial tour was curtailed with the elements of nightfall, exacerbated by the lack of electricity on the ground.

Another step at which the hon. Prime Minister spoke with distressed residents was at Waterloo where she was accompanied by the Minister of Local Government, other Members of Parliament and councillors of the People's Partnership, and she was able to bring some level of comfort. On this occasion, the Prime Minister reminded the residents that the People's Partnership Government was in office for a mere two months, and apologized to constituents for the lack of attention in the areas of construction and drainage by the previous administration, and reiterated her Government's undertaking to continue remedial operations, particularly, in the area of drainage. This, she noted, commenced very early in the tenure of the People's Partnership Government with a nationwide Cleanliness and Beautification (C&B) Programme which she initiated weeks ago.

Madam Vice-President, it was recognized and appreciated by most that it was the first time that they had personally witnessed a sitting Prime Minister visiting flood victims in solidarity and to offer assistance. They were reminded, however, that her first official function, after being sworn in as Prime Minister, was of similar ilk when she donned her flood boots to visit affected areas.

On August 02, 2010, the island of Trinidad experienced heavy rainfall which caused flooding, landslides and damage to many areas in the North, Central and South Trinidad. This inundation caused water damage to a number of homes, commercial buildings and properties, leaving some citizens without shelter. At 2.30 p.m. the Trinidad and Tobago Meteorological Services issued a second information bulletin, indicating that the twin islands would continue to experience heavy showers and thunder showers and that flooding was expected in areas that were not previously inundated.

Affected areas included: Felicity, Edinburgh Gardens Chaguanas, Carapichaima, Freeport, Couva, Claxton Bay, Marabella, Gasparillo, Tarouba, Cocoyea Village, Williamsville, Hard Bargain, Princes Town, St. Joseph and Santa Cruz.

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The initial responders, the Trinidad and Tobago Fire Service, the Trinidad and Tobago Police Service and the Trinidad and Tobago Defence Force together with SAUTT and the Ministry of Works and Transport were all notified of the present status and the need to render immediate assistance to the affected areas.

Urgent and life-threatening situations were categorized highest and communicated to the first responders in order to immediately preserve life and property. The disaster management coordinators of the Disaster Management Units in the municipal corporations were notified of the status of their impacted communities, and were directed to go into the field to verify the reports and conduct an immediate initial assessment of the present situation and indicate required necessities. Additional Ministries such as the Ministry of the People and Social Development and the Ministry of Community Development were contacted during the course of the afternoon in order to render immediate social assistance inclusive of shelter, pertinent domestic items and sleeping equipment.

The ODPM and the National Emergency Operation Centre liaised with the municipal corporations and the Ministry of Community Development to open shelters for those who have been severely affected and those homes that are now in states that render them uninhabitable at this time.

Media releases and advisories were sent to the media at 2.30 p.m., 3.40 p.m. and 6.30 p.m. Communication managers of the various government Ministries and agencies and municipal corporations were all updated on the media network of Facebook and Twitter as well.

The Trinidad and Tobago Defence Force assisted with the rescue of persons trapped by the flood water. Resources and appliances from the First Engineering Battalion such as water pumps and power washers were used to clean severely affected areas. The Trinidad and Tobago Fire Service also assisted with rescue operations. They reported neither fatalities nor reports of missing persons. The Ministry of Works and Transport went out to the affected areas in order to assist with the clearing and removal of debris resulting from the landslides. Work will continue today.

Madam Vice-President, because of what she saw yesterday, the hon. Prime Minister convened a meeting at the headquarters of the ODPM this morning at 10.30 a.m. At that meeting, the Minister of Works and Transport, the Minister of Local Government and myself led the discussion. The Chief of Defence Staff, the Chief Fire Officer and as well the Director of the ODPM were in attendance and

Statement by Minister

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offered their areas of information as it affected the tragedy. At the end of the meeting, some plans were made known to be implemented at the earliest opportunity. Some of these plans in the short term include:

- establishment of an inter-ministerial committee chaired by the Minister of National Security and to include several Government Ministers;
- cancellation of the planned workshop for Tobago for the end of this week into the weekend for the People's Partnership Government;
- massive dredging of watercourses, especially in flood prone areas;
- coordination of all drainages under a national drainage authority in the Ministry of Works and Transport;
- further mobilization of defence force and fire service subunits which will be posted at strategic locations and critical areas;
- the Ministry of Health is to commence spraying operations and cleaning of cesspits in affected areas;
- twenty-eight schools have been identified as shelters with proper signage to be posted in all areas;
- school books are to be made available to children;
- CEPEP and URP groups and teams are being fully mobilized to assist in the clean-up operations;
- the National Emergency Operation Centre to remain operational;
- assessment teams are to be deployed to all affected areas; and
- review of the ODPM mandate with a provision of better coordination, and the corporations are to carry relief items like mattresses, blankets and lanterns to assist the ODPM in their operations in situations such as these.

Madam Vice-President, the situation is really bad. The hon. Prime Minister has indicated her intention to continue the aerial tour this afternoon to determine the overall effects of the damage done by the weather system. Accordingly, Madam Vice-President, the hon. Prime Minister has asked that I, in my capacity as the Minister of National Security with responsibility for the ODPM, join her in this exercise. As such, I now respectfully beg your leave to be excused from this honourable Senate.

I thank you. [*Desk thumping*]

**EVALUATION OF EFFICIENCY AND EFFECTIVENESS
(PARLIAMENT)**

Sen. Subhas Ramkhelawan: Madam Vice-President, I beg to move the following Motion standing in my name:

Whereas Parliament is the arm of the State which gives effect to policy initiatives of the Executive through enabling legislation;

And whereas an efficient and effective Parliament can lead to improved governance for the benefit of citizens;

And whereas inordinate delays in the workings of Parliament can have an adverse impact on citizens, the economy and the society;

Be it resolved that Parliament take steps to evaluate its efficiency and effectiveness;

And be it further resolved that arising from the evaluation, Parliament take the necessary action within its control to maximize its efficiency and effectiveness.

Madam Vice-President, before I go into the meat of my contribution, I would also like to commiserate with all those victims of flooding who suffer today and who would have suffered yesterday. I hope for early relief. Our thoughts and prayers from the Independent Bench, and I am sure from all the Senators within this honourable Senate go with the victims of flooding, and we look forward to an early relief. [*Desk thumping*]

Madam Vice-President, this Motion has been carefully thought out, this being the first Motion that I, as an Independent Senator, would have tabled in this honourable Senate. It has been carefully thought out, because I would have served a previous term in this honourable Senate and I would have been troubled by some of the areas that contributed in some measure to the effectiveness or, should I say, the ineffectiveness of Parliament at various times.

2.00 p.m.

This is why I have couched the Motion in three recitals and two parts of a resolution. The first addresses the question of enablement or empowerment, and that is, that it is clear that the Parliament is the legislative body that gives effect or provides enabling legislation to give effect to the policies, and thereafter, the programmes of the Executive.

Secondly, it is clear that an efficient and effective Parliament can in fact lead to governance. During the process of my presentation I aim to establish that and to speak to the question of areas where there are deficiencies, put forward some proposals which may assist in making our Parliament, the Parliament of the people efficient and effective.

The third recital is that a Parliament that does not work well impinges adversely upon our citizenry, the people across this country, in every area, whether it is flooding or otherwise. So the resolutions: One, that the Parliament take steps on its own to evaluate its effectiveness and in those areas where it may be deficient and within the current ambit of the law that the Parliament take measures to increase and improve its organizational effectiveness in every single area.

After evaluation there is some doing, there is some action that we can take to effect some of these measures that might be considered worthwhile for introduction without changing any laws, without making any further adjustments, except in the context of what Parliament can and is currently empowered to do.

So I begin my presentation within this context. All over the world we are seeing citizens of various countries asking the question about the effectiveness or the lack of effectiveness of their respective Parliaments. Whether we go to Canada earlier in the year when there was a crisis, when there was a question about the proroguing or the inordinate proroguing of Parliament on two occasions, some would say, in order that the Members of Parliament would have been allowed to go to visit the Winter Olympics Games and in other cases some bitingly said that it was to ensure that Senators would have been appointed in the Upper House to give the ruling party eventually a majority that it would have sought.

Whether it is in India where there is consternation in the Indian Parliament, that a number of divisive moves are being pursued to derail the legislative agenda of the Indian Parliament under the guise of high food prices and inflation; derailing an established agenda for one of the sessions.

Whether it is in Jamaica where I recently saw an article which spoke to the Jamaica Parliament as being lazy and unable to carry forward the legislative agenda. Wherever you go in the world the question of the effectiveness of Parliament is being raised and I would like as a Member of this particular Parliament, not to worry too much about what is happening out there but to worry and be concerned about the effectiveness of our own Parliament and the measures that we can take to ensure its effectiveness.

It is a matter that has concerned our citizenry for quite a long time. Way back in 1979 a young man writing among his first calypsos wrote, *In Parliament they kicksin'*. And over the years as you look at the articles and the readings, we are always being seen from various lenses as *In Parliament they kicksin'*. And I tried, and tried as I might, to look at all the local dictionaries, probably with the exception of *Cote Ce Cote La* or whatever it was, I could not find the meaning, I could not find the meaning of “kicksin’”, but I have a very good idea of what it means. Even though I could not find it, I have a very good idea of what it means. It probably means that we are playing; it probably means that we are behaviourally inept in the provision of the services expected of us to our citizens.

Let me say, Madam Vice-President, that there are those who believe that the role of Parliament is only in rubber-stamping legislation put before this honourable Senate and that honourable House, rubber-stamping the legislation brought by the Government, and indeed, that is probably the furthest thing from the truth because it is not the only function and role of the Parliament. As I look across the various pieces of learning in terms of what is the Parliament supposed to do, three themes come clearly at me.

Of course the first is legislation. A subset of that legislation is in the passing of legislation to allow for government to proceed with legitimate expenditures on behalf of the citizens of this country. That is only a subset. We spend so much time in passing the budget and we spend so much time focusing on the budget, and we do that effectively, because effectively we must or else moneys will not be available for spending. But that is only a part of the functions of this honourable Parliament.

The other theme is representation, and the third theme is scrutinization. Representation must be a two-way highway, communicating with our citizens and receiving communication with our citizens in order to understand clearly what the concerns are to translate that into policy and to be able to effect policy through enabling legislation. The third theme, I do not propose to spend too much time on, the area of representation, more so, because that is not solely a matter of elected representatives, but since I am, as you know, a selected representative, but more because I want to focus on that other area, that third function of Parliament which is the third “tion”—I should say—representation, legislation and scrutinization.

Parliament is the watchdog of the Executive on behalf of the citizens of this country. Are they doing what they propose to do? Are they doing what they said they will do? Are they doing what they are supposed to do within the limits of expenditure that has been approved in this honourable Parliament? These are

some of the issues, these are some of the roles and functions of the Parliament and our citizens know only too well that Parliament is only one arm of the State but a most important part of the State.

Our citizens know more than anything else, the Executive, the Cabinet, the functionaries, the people who actually get things done on the road, they are out there in the floods at this point in time. Our citizens know that. They face them and they meet them and they want to meet them every day, but that is only one arm. I like to think about the State and about the role of Parliament as one of a three-legged stool, in the sense that the three legs of the State; Parliament, the Executive and the Judiciary working in tandem but separate and distinct, but working in tandem can make or break the effectiveness of a nation.

It is often said that justice delayed is justice denied. But delayed legislation denies people and citizens of their just and due rights. So it is very important that the effectiveness of our Parliament translates into getting things done so that the political, social and economic goods and services required by our citizens can be delivered in a timely and effective manner.

The Motion seeks to reduce this commentary, if not vitiate the commentary that *In Parliament they kicksin*'. The Motion is intended for us to do some introspection to advance the purposes and the work of this Parliament. Very often our citizens, apart from "kicksin", when you meet them, they say, "In Parliament 'ol' talk' is going on." And none of our Senators here need to check on any colloquial dictionary to know what "ol' talk" means. And "robber talk" is taking place in this Parliament, and even "gun talk", which is part of our dialect. "Gun talk is taking place in this Parliament." I understand that very soon with the help of the Minister of National Security, we will have to remove that term, "gun talk", altogether from our vocabulary or else you might be subject to some charge or something like that.

But there are other colloquialisms about talk, some of which are unparliamentary that I cannot say in this Parliament at this time when our citizens refer to what is going on in this Parliament. I would not say it, but I see the smiles on the faces of some fellow Senators; it is a knowing smile. It is a knowing smile about what kind of talk. So, we need to translate all of that instead of talk—Parliament must be able to walk the talk. American phrase "Walk the talk, get it done, let us get it done".

So, Madam Vice-President, as I looked at the role of the Parliament, which I have described as legislation, scrutinization and representation, I looked at other Parliaments, and again, very similar themes come across and there are themes

worldwide. Our Parliament in terms of its structure is not dissimilar to Parliaments, certainly in the Commonwealth all over the world; a Lower House which is a house of elected representatives and an Upper House which is a house of selected representatives; in some parts, selected by the Government of the day and in some parts selected by the Opposition of the day, being advised to the President. We have a peculiar situation—should I say, a most peculiar situation—in our Parliament where we have nine Independent Senators; independent in the sense that they are selected at the sole discretion of the President. There are Independent Senators in other parts of the Commonwealth and in other parts of the Caribbean, but as far as I am aware in the Caribbean, those Independent Senators are selected, but upon consultation with the Leader of the Opposition and the Leader of Government, the Prime Minister.

2.15 p.m.

It is a peculiar situation in our own jurisdiction, where this is actually the only function the President of the Republic of Trinidad and Tobago takes in his sole discretion without consultation. So, I want to address the issues in Parliament within three buckets. The first has to do with legislation, and the second, which is on the floor of the Senate. I want to deal with on the floor issues as the first bucket. The second bucket which I want to deal with is the bucket of the committees of which we have several versions under sections 119 and 66A of the Constitution, and then those sessional committees which deal with the House, with the Standing Orders and so on. That is the second bucket. The third bucket in terms of my presentation today, has to deal with the Standing Orders, their construction, their application, their relevance in today's world, and certainly, in our Parliament.

I speak first to the question of on the floor issues and the need for, in my respectful view, a legislative agenda. Certainly, in the term that I served and I looked over the past 10 years, there is a sort of chaos taking place in the order of legislation coming to the Parliament, in terms of the relevance, in terms of importance. What comes through the Parliament seems to be bereft, crying out for a legislative agenda that will put in place at the beginning of each session, a clear framework for what is coming down the pipeline. Why is that important? It is important because first of all, we need to be able to send a message to our citizenry long in advance, that we are going to bring legislation, and this legislation is going to impact you in this way, in that way, in the other way. What are your thoughts? What are your comments? What are your feedbacks? What is your concern? So, if we have a legislative agenda that allows for time, that allows

for reflection, that allows for that two-way communication, that allows for the effective representation, what we are going to find is that we will get a more effective Parliament with a legislative agenda.

Other Parliaments that I have looked at have a legislative agenda, and we want to be a best practice Parliament. I cannot think of any hon. Senator, and I cannot imagine any elected Member of Parliament not wanting to have an effective Parliament. Even those on the Government Benches, who may want to accuse the Opposition of obstruction at times, would be hard-pressed to say that the Members of the Opposition Bench do not wish to have an effective Parliament. So that is my first point, Madam Vice-President, the point under the first bucket of a legislative agenda in order to make our Parliament more effective.

But apart from the question of representation of our citizens in having a legislative agenda, there is the other issue of organizational effectiveness feeding from the Parliament, back into those areas where the Executive would in fact have some control, and that is in the effective drafting of legislation to put into the pipeline of a proper legislative agenda. It is clear that there is a great deal of disorganization, and some would even say chaos in terms of the pipeline of legislation. It is clear that some greater oversight with a view to better effectiveness needs to be had, needs to be put in place, so that the drafting of legislation to go down the pipeline is effectively done. It may require resources, it may require that there is more legal drafting personnel, it may require proper direction as to what are the most important, the least important pieces of legislation, but if you have a legislative agenda that will be fairly well defined.

So not only in terms of representation and consultation with a proper timeline for our citizens, but also in terms of the internal organizational effectiveness, the role of legislation, the role of the drafting feed into the Parliament is important, and also beyond that, the role of the Cabinet committees or sub-committees, whatever they are, in terms of evaluating the draft legislation because it comes through a Minister and then it goes to, as I understand it, some committee or sub-committee of Cabinet, it is assessed and passed, and then it comes into one of the Houses. So these are some of the issues with regard to developing an effective parliamentary agenda. I may have heard somewhere that the Attorney General was considering putting in place a legislative agenda. It is useful to note that a legislative agenda comes at the beginning of Parliament, not at the end, and not even at the middle. So I will advise my learned friend if he is going to put in a legislative agenda, he would need to do it somewhat early, rather than too late for this particular session.

So, I have spoken to the question of citizen participation. I have spoken to the question of ensuring that the resources are in place and the mechanisms to put resources in place, so that we can have legislation come to the Parliament in a measured way, so that they can be properly studied, properly dissected and properly dealt with. Now, Madam Vice-President, I am not saying, not even for one moment that there will be times when you will have, let us say crisis legislation, where legislation needs to and must be put in place very quickly in order to plug a hole. We saw that in the last Parliament, when the matters relating to Clico and CL Financial came up and within a week legislation was drafted to address that particular matter, and the legislation had to deal with Central Bank powers on the one hand, and the powers related to the Insurance Act, and within a week or two that legislation was passed. It was crisis legislation.

Madam Vice-President, we cannot have an ongoing permanent crisis. We cannot have that. We must have order. We must have order, in order to be able to effectively deliver from the Parliament the goods and services, social, political, economic and otherwise, that are required from this honourable Senate and indeed the honourable House. But it reminds me that there is need for synchronization, harmonization of all the relevant parts in order to be effective. Because if Parliament is effective and the Executive is not, then you have a problem when we talk about this three-legged stool of the State. One leg is broken and all fall down. As we like to say in Trinidad, you fall "catspraddle". I did not find it as well in the dictionary, but I think we all know the meaning. You fall "catspraddle", if one of the legs happens to be shaky.

So the point of a legislative agenda I think has been made, and the point of being able to synchronize and harmonize has been made. It reminds me—Madam Vice-President, you were probably too young to remember this—about press, and when I say press, I do not mean the media. Not at all. I do not mean the media, I mean press. Some of our younger people know it as snow cone, and there was this great pressman, excellent syrup, excellent condensed milk, the sharpest shaver that you could find, turned up one day and we were all anxious to have our press. But do you know what was missing? He forgot the ice. So all the other parts were absolutely working well, but he did not have the core, the substance, the *raison d'être*, as some of my sophisticated colleagues would say; that was missing. Therefore, we do not want any missing parts in order to achieve effectiveness in the delivery of services. But let me come back to the Parliament because this is my focus, the effectiveness of the Parliament.

The next point I would like to make apart from the legislative agenda, is that the Government must remember that within the Parliament itself, there are three constituent parts. Our citizens know this very well. It is the Lower House, the Upper House and the President of the Republic, who will give assent to legislation, and give effect to legislation in this country. I have seen and have been concerned that very often what happens is that there is a wonderful song and dance when a government has a significant majority in the Lower House. There is a wonderful song and dance aimed at getting policy measures through, and you take the easiest route which is getting the legislation passed in the Lower House, and then there is that song and dance that the legislation is almost there, passed in the Lower House. Then what happens? It comes to this place, the Upper House, and citizens say and indeed the Executive usually goes out to say, "Well, you know we passed the thing in the Lower House, and therefore it should pass." There is nobody elected in the Upper House, why should it be stymied, why should the will of the people be stymied? No, that is the will of the Executive, represented in the will of the Lower House.

2.30 p.m.

The will of the people only takes place when it is passed in the Lower House, the Upper House and assented to and in my short time in this honourable Senate I can bring to you several examples, one of which, if I recall, was the Trinidad and Tobago Revenue Authority Bill, Bill No. 8 of 2010. The people were protesting out in the streets that they did not want this revenue authority. Every day that I walked past the Ministry of Finance on Independence Square there were people in green T-shirts saying no to the Revenue Authority Bill.

Many were the times that we came to Parliament and we saw people in Woodford Square with their placards "No to the Revenue Authority Bill." We even had a Senator sitting on the Opposition Bench making a clear case from the union that was representing the workers in Customs and the Board of Inland Revenue—making a clear case as to why the Revenue Authority Bill ought not to be passed.

But do you know what? The administration of that day passed the Bill in the Lower House and then it came to the Upper House. I recall all the deliberations that took place, not on the floor but off the floor behind the President's chair to seek to get, particularly in the case of a special majority—I should mention that because when it is a simple majority it is almost free sheet. But let me finish this thought about the Revenue Authority Bill and I will speak to one particular piece of legislation where it was not free sheet, even though there was a simple majority that was required in the Upper House.

The Revenue Authority Bill came here and the Revenue Authority Bill did not go to a vote, not because an election was imminent but rather because when a quiet poll was taken, the Members of the Independent Benches said, no, it was not the will of the people. But, you know, people have gone outside there and said that they stopped the Revenue Authority Bill; Members from the Lower House, and it was not so. It passed the Lower House with flying colours and it came to the Upper House and because they could not get the vote it was never put to the Senate. So the Upper House does have a role to play in terms of the whole question of acceptance and validation of legislation.

The point I am seeking to make is that it would be most useful in terms of the effectiveness of Parliament if some sort of quiet consultation were to take place while all of that was going on. But I propose also that when a piece of legislation requires a special majority, that it should first go to a select committee of the Senate rather than suffer ineffectiveness that we have experienced. Let it go and let the matters that ought to be deliberated and fleshed out, be fleshed out before it comes to the floor of the Senate. I am speaking particularly of the Senate and not of the other House. It makes more sense.

Apart from the revenue authority I will give you some other examples. Apart from the revenue authority there was a Bill, the Securities Bill and despite the protestations of the then Opposition in the Lower House, which now happens to be the Government, and the request, if not the demand for a joint select committee to examine a Securities Bill that was 80 or 100 pages long and very complex in nature, the Government of the day overlooked that, passed the legislation in the Lower House and could not get the legislation passed in the Upper House because a special majority was required and that special majority could not be obtained in the Upper House at the time.

What happened? It went to a special select committee in the first instance and then the Bill lapsed because the session of Parliament ended. And I will talk a little bit to lapsing in a little while; I will speak to lapsing in a little while. But what I will say is that, quite clearly, issues of great moment are deliberated on in a very measured way in the Senate and not necessarily deliberated on in the same way in the other place, because politics may often trump all the other issues and concerns that would have arisen.

So I want to suggest this matter of—it happens in other Parliaments, I should say; it happens in other Parliaments that all legislation goes to committee before it comes to the floor. I am not saying that that is the case in our jurisdiction, but I am suggesting that where there are matters which may be legislation which may

be somewhat controversial, why bring it to the floor, engage in a long debate, then send it back to a joint select committee or a special select committee; have the Bill lapse and have it come back to the floor again? We are wasting time. It is a time-wasting gimmick and I will come to time and the sittings of this particular Parliament and whether the number of sittings of the Parliament are sufficient to complete the legislative agenda which is often set in every session, and we then end up with Bills lapsing and Bills lapsing and Bills lapsing, we go back to say, with the old cycle of talk to get it back on the agenda.

It is a sign of ineffectiveness and we are a modern society and we should be a modern Parliament to ensure that our work is done effectively. So that the need for acceptance and validation of the Senate and how that is to be done should be carefully considered by this Parliament and how we can do it faster and better for the benefit of all our citizens.

I should remind you, Madam Vice-President, because I believe you sat in another chair in the last session—that there was another Bill, very contentious, and just my third example, the Integrity in Public Life (Amdt.) Bill, 2009, Bill No. 9 of 2009, where the Government of the day, for some strange reason, wanted to take away the rights of citizens to complain and to whistle-blow and to put those citizens in the limelight where, before they raise a complaint, it had to be done by statutory declaration and there could be no whistle-blowers. The Government of the day wanted to take away the powers of the Integrity Commission to raise an investigation of its own volition.

The Government of the day was seeking to truncate, to limit, the capabilities of investigating bodies on public officers, persons holding public office and you know it was passed in the Lower House. Despite the protestations of the then opposition it was passed in the Lower House and came to the Senate and it had to be amended, chopped, changed and every offending clause had to be removed. I do not know why they brought back the Bill because it did not achieve anything. So I am saying to you, in order to overcome this ineffectiveness, take these matters to a committee before they come to the floor of the Senate.

I bring you now to one piece of legislation that required a simple majority, not even a special majority. It was about municipal corporations. I think some of our friends remember it. Municipal corporations required a simple majority for the local government elections to be delayed, I believe it was a third or fourth time—third time. It was, apart from the Opposition Senators, the Independent Senators who fought tooth and nail and at the end of the day the Bill was passed by a rather slim majority. I think it was one or two Members of the Independent Bench who would have voted for the Bill by that rather slim majority.

So when I hear the commentary on Independent Senators, one particular Senator, being a PNM Senator on the Independent Bench, I take personal offence, because when you look at the record of that particular Senator you would see in every single case that I have quoted here, it was a vote against the Government of the day. But you know when you are in power you could run your mouth on anything; run your mouth on anything without having the facts and figures before you. But I am sure after a retreat has taken place that the Government of the day will realize that it is indeed the Government of the day and there is no need to pelt pebbles when you are already inside the fort, because you have your cannons; you can effect change; you can get things done in a way that the Opposition cannot, neither the Independent Bench. Use your resources to good effort to achieve the delivery of the best goods and services for all our citizens. That is my appeal.

So I want to turn now to the second position of organizational effectiveness within the Parliament, of which I have spoken somewhat. If we are to complete the legislative agenda of which I speak and which is absent, the number of sittings of this Parliament is inadequate in order to complete the legislative work of this particular Parliament. I would like to draw your attention to several factors. The first thing is, in the second sitting of the Ninth Parliament, there were 46 sittings in the Second Session and 49 in the House of Representatives. In the First Session of the Ninth Parliament, there were 45 sittings of the Senate and 47 sittings of the House of Representatives. The number of Bills introduced in the Second Session was 23 government bills, one private bill and the number of bills that lapsed out of that 23, 11 lapsed. This is a full session. Eleven lapsed and 13 were passed.

2.45 p.m.

In the First Session, which was the 2007/2008 period, 27 Bills were introduced, four lapsed and 23 were passed. When Bills lapse, very often debate would have taken place on some of them. When they lapse they would have to come back for debate if the legislation is to be enabled and passed. They have to come back in the next session. It is a waste of parliamentary time. What it does is it effectively eats up the very limited time that is available for parliamentary debate. It is something that the Parliament needs to consider very, very carefully. How do we pass enabling legislation? How do we introduce enabling legislation without creating such a major logjam of Bills? For the Government of the day to be effective, it is clear and I have said it before, you need enabling legislation. If enabling legislation is caught in the logjam of the Parliament, then policies cannot be effected.

Probably the most glaring example of that was the package of children legislation introduced in the Parliament in 2000, by a UNC administration, I believe it was. That legislation was cut, chipped, changed and stayed in abeyance and brought back to the Parliament in 2008 and 2009 in part. What happened to all those children in the interim? Those who were eight years old would have become adults, in accordance with the law. What happened to them? Those are glaring examples. I can quote examples, because I have a list in front of me, of what was introduced, what lapsed and what never saw the light of day again; not so much because of a change in policies and programmes, but more because of parliamentary, or should I say Executive inertia. We need to resolve some of these issues.

Some of the arguments for the ineffectiveness that you would have heard from the government's side are: "Well, you know what, if Opposition Members were to limit their speaking time, then we would be able to pass the legislation." I feel that is really a poor excuse. I hope I would not hear that particular excuse, some would say reason, depending on who says it, from the current administration, because it is a fundamental right, I have heard this from the Opposition Bench, to apply your speaking time once the Chair, the President or the Vice-President, in this case, does not rule you irrelevant.

The other argument that I heard from the Opposition Bench was: "Well, we are only six in number and they are 15." I do not count the Chair, purposely so. They are 15, but their votes could be 16. "Therefore our job is not to raise the issues of the day and if we have to raise the issues of the day and we are only six, then we will use our time to purposefully and effectively raise the issues of the day." You will find once you are sitting on that side one argument holds and when you are sitting on this side, the Opposition Bench, the other argument holds. I do not support for one moment, any truncation of the speaking time of any Member of this Parliament, because they are representing the citizens of this country who may have different views altogether from that of the Government and, therefore, let them have their time to speak. But, I would suggest in this particular Parliament that there is room for negotiation.

There are Bills that might be of less import and if there is a parliamentary agenda, you know that there is something coming down the pipe and it is very important, you can negotiate and you can say as the Leader of Government Business: "Well, why do we not have one or two speakers on this particular Bill." If the negotiation takes place in an atmosphere of cordiality and good sense—I believe that the Leader of the Opposition Bench, at least in this Senate is a most

reasonable person and so too the Leader of Government Business—let us get our business done in a negotiated manner, rather than try to change the rules. I do not want to change any of the rules. I want us to be most effective within the existing rules at this point in time, because changing the rules takes a very long time. I want us to be most effective. There is absolutely no reason for negotiation, but bring a legislative agenda. [*Interruption*]

Sen. Panday: Would the Hon. Senator give way? The Government has already prepared its legislative agenda and it will be coming very soon. In any event, this Government has presented five Bills to this Parliament within 21 days of coming into office. Thank you.

Sen. S. Ramkhelawan: I thank the hon. Senator for providing information of that ilk, which we already know, by the way.

Madam Vice-President, I have spoken to on-the-floor matters. I want to raise one other matter, which is most troubling, in terms of the effectiveness of the Parliament. I am actually jumping across to the bucket of Standing Orders. I have seen in this Parliament, gross disrespect; disrespect of the highest order, in terms of our Standing Orders under “Questions to Ministers”. Many are the times when a question, if properly answered in a timely way, would have added value to the Parliament. The disrespect shown was a disrespect which derailed the effective answering of the question.

I could recall many examples, but let me quote one, in terms of “Questions to Ministers” under our own Standing Order 10(1) in our Order of Business, item No. 8 on our Order Paper. There was a question raised about some scholarships given to our citizens by the State, from the public expenditure purse, in the amount of some \$45 million. When the question was posed, it was never answered in this honourable Senate. It was delayed and delayed and delayed. The hon. President, in addressing the matter, noted that he had no power. He had absolutely no power in seeking to convince the Minister on the other side to answer the question in a timely way. I believe that is a matter we can address in our Standing Orders. I believe it can be addressed in our Standing Orders.

As a result, not only was the question not answered in this Parliament, the argument that was made is that this was a private matter. How could public expenditure ever be a private matter? That must not happen in this particular House. If you are taking the public’s money, whoever is the recipient, you ought to be able to stand scrutiny as the recipient for those funds. The point I really want

to make is that we need to put Standing Orders in place to ensure that in the operations of our House, we address the question properly of scrutinization. We the Parliament, as the watchdog of the people, must be able to not only elicit the answers, but get the questions in this honourable House, failing which we are ineffective.

We have had Standing Orders which have been the subject of review in 1989 and the last set of Standing Orders were reviewed in 2000. I humbly submit that it is time again to revise our Standing Orders to ensure that those areas, those dark holes, of ineffectiveness that are within our ambit, can be removed.

Madam Vice-President: Hon. Senators, according to Standing Order 40(1), the time limit of the hon. Senator has expired.

Sen. Panday: Madam Vice-President, I beg to move that the speaking time of the hon. Senator be extended by a further 15 minutes.

Question put.

Madam Vice-President: Hon. Senator, your 59 minutes would have been up, according to Standing Order 40(1). I am going to give you one minute to wrap up, ending your contribution thus far.

Sen. S. Ramkhelawan: I would not say that it is a matter of ineffectiveness of the Parliament; I would not say that. But, I beg your indulgence. I would have to wrap up because I thought I would have been stopped at the 45-minute mark and that I would have had another 15 minutes. But, be that as it may, I may have some more time to speak at a later date.

I have spoken to the Standing Orders and the matter of committees. When we look at committees, what are we seeing? We have committees set up under sections 66A and 119 of the Constitution. These are permanent committees. We also have some sessional committees set up under the Standing Orders. I will simply say that the committees are not effective and so, we need to look at how we can be more effective. I may say more on it, but my time is up.

Madam Vice-President, I beg to move.

Madam Vice-President: Hon. Senators, this Motion requires a seconder.

Sen. Basharat Ali: Madam Vice-President, I beg to second the Motion and I reserve the right to speak at a later date.

Question proposed.

3.00 p.m.

The Minister of Public Utilities (Sen. The Hon. Emmanuel George): Madam Vice-President, thank you very much. On this my first contribution to this honourable Senate, let me first take the opportunity to congratulate you on your elevation to the Chair, and to congratulate all the Senators of this Senate; both my colleagues, the Senators of the Independent Bench and the Senators of the Opposition. Let me say that I am also thankful for the opportunity to be part of this esteemed Chamber.

Before I begin, I want to say that I listened very carefully to Sen. Ramkhelawan, and in listening to him very carefully, I noted that he started to speak at 1.57 p.m.—It is in my note here—and I was trying to catch your eye when the time came, so that you would stop him and then give him his 15 minutes in the normal course but, unfortunately, I did not catch your eye.

Madam Vice-President, I believe the Motion tabled by Sen. Ramkhelawan is quite appropriate, at this time, since it is in keeping with the governance approach of this Government, and it comes on the heels of this country's hosting of the 35th Conference of the Caribbean, Americas and Atlantic Region of the Commonwealth Parliamentary Association.

Madam Vice-President, this Motion seeks to interrogate the ability of this honourable Senate to evaluate and ensure an efficient and effective governance process. At its heart lies the question: Whether this Parliament sees itself as truly democratic and able to carry out its duties and responsibilities in the right form and fashion. This is the crux of the issue.

If that is the case and, I think, it is: By what measure can one say that this Parliament is a democratic one? We can seek to define democracy in several ways but, I think, there are three pillars on which the notion of democracy is built. It speaks to representation; it speaks to law-making capability; and it speaks to oversight. These three must exist if we are to consider a Parliament as democratic.

Therefore, we can say that a democratic Parliament is one which is representative, not only of the political will, but also of the social diversity of the population. In that regard, Parliaments can be considered to be the nerve endings of the society, and to be the nerve endings of the society suggests that the Parliament must be the arena in which all views are brought to bear and are distilled, and we take decisions that are in the best interest of the population. Our Constitution provides for such a parliamentary structure—and, indeed, we in this Senate can say without doubt, in our current composition, that we can surely meet the criteria of democratic representation.

Further to the issue, a Parliament that is democratic must also be transparent, accessible and accountable. Now, this Parliament is certainly accessible, because we have our public gallery; we have our media loft; we have the Parliament website where we can access the *Hansard*; and we have the Parliament Channel 11, where the sittings or the goings-on in this House are broadcast live, and the population can access the information thereby. So, we can say that the Parliament is accessible. But with respect to transparency and accountability, I think we have a bit of a problem, but I will come to that a little later on.

Madam Vice-President, it is critical that we define a democratic Parliament as one which is effective in its legislative and oversight functions, since it is in these pillars that the operation of the doctrine of the separation of powers and the rule of law are best reflected.

The role of Parliament in representation, law-making and oversight depends on a number of critical factors which include: the type of political system; the legislation powers formally granted to the Parliament; the political will; the political space to operate and the technical capability.

Madam Vice-President, I propose to look at some of the examples of law-making and oversight functions of the Parliament within recent times, in order to ascertain whether this Motion before this honourable Senate has merit in its proposition that inordinate delays can have an adverse impact upon the citizens, the economy and the society, for it is in finding the fault that we can identify a cure.

The traditional view is that legislation is ineffective until it comes into force. It is not the way when this honourable Senate and the sister House sit and debate a Bill—pass the Bill; make the Bill an Act of Parliament; await presidential assent; and then await proclamation of the Act—that is one set of waiting that we do after we have passed the Bill, but then we encounter a situation where when the proclamation is made, citizens then have to wait for a long time for implementation, and this point could be made or brought home very clearly, if we look at the chronology of the process of the Equal Opportunity legislation.

A Constitution Commission was appointed in 1987, and this commission reported in 1990, and considered the establishment of an Equal Rights or Equal Opportunity Commission. The Law Commission subsequently published a working paper in 1996, and a joint select committee of Parliament was established to consider it. That committee reported in 1997, and the Equal Opportunity Bill of 1999 was introduced in Parliament by the then Prime Minister, hon. Basdeo Panday on December 10, 1999 in the House of Representatives.

By October 02, 2000, the Bill had passed through much debate in both Chambers and received presidential assent on October 20, 2000. The Act was then proclaimed by Legal Notice No. 285 of 2000, which provided that Part V be brought into force on November 20, 2000 and the remainder of the Bill would come into force on January 30 of the following year 2001.

However, the Equal Opportunity Commission was established in 2008, and the tribunal that was part of that legislation—it was established then, but it was not operational. During this delay in implementation this matter received the attention of the courts in the adjudication of the issue as to whether the Equal Opportunity Act of 2000 was unconstitutional, particularly as to the establishment of the tribunal.

Going all the way to the Privy Council, the Law Lords by majority decision, held that there was nothing expressed in the Constitution to preclude the creation of the tribunal. Indeed, in relying on *Grant v the Queen, 2007* which cited *Mootoo v the AG of Trinidad and Tobago*, the majority decision stated:

The constitutionality of a Parliament enactment is presumed, unless it is shown to be unconstitutional and the burden on a party seeking to prove invalidity is a heavy one.

On the basis of this, the way was paved for the installation of the commission eight years after the proclamation of the Equal Opportunity Act, 2000.

So, if one looks at how this legislation came into being, and how the commission was finally established, all seems to have gone well up until January 31, 2001. I think that the inordinate delay thereafter by the then Executive and its consequences to the rights of the citizens as Sen. Ramkhelawan mentioned, and upon the confidence in the law-making capabilities of the Legislature, all of these were avoidable.

In this regard, as I would now discuss, it is imperative that the current Executive do all in its power to ensure, not only that the process of law-making is efficient, but the process is strengthened whereby the Parliament can utilize the tools available to it to scrutinize the actions of the Executive and, thereby, ensuring the timely implementation of legislation that is agreed within these halls.

We now pass to the point of scrutiny. So, in addition to its representation and its law-making functions, a Parliament, as the Legislature, has the all important role of scrutiny of the Executive's actions. It is a critical check and balance function which ensures that programmes are carried out legally, effectively and, more importantly, are executed for the purposes for which they were created.

I want to quote from Lord Mustill who in 1995 in the Fire Brigades case opined that:

“...Parliament has its own special means of ensuring that the executive in the exercise of its delegated functions, performs in a way which Parliament finds appropriate. Ideally, it is these latter methods which should be used to check executive errors and excesses; for it is the task of Parliament and the executive in tandem, not the courts, to govern the country...”

3.15 p.m.

I want to take a quotation from the address delivered on behalf of the hon. Prime Minister of Trinidad and Tobago, hon. Kamla Persad-Bissessar, on Monday, July 26, 2010 and which was delivered on the Prime Minister's behalf by my colleague, Sen. Nan Ramgoolam to illustrate this point and I want to quote from the Prime Minister's address as follows:

“As parliamentarians we must develop and implement effective and efficient policies and laws for resolving these and other issues to the benefit of all citizens. We understand that Parliaments do not govern, yet they oversee the government and government is formed from within the Parliament. Therefore, as we move to modernize Caribbean Parliaments we accept that we must turn our Parliaments into the most operational instruments of responsive, accountable and transparent governance and representative legislation.”

In saying so, I say to Sen. Ramkhelawan that he is, in a manner of speaking, knocking on an open door in respect of this Motion that he brought to this honourable Senate. Indeed parliamentary oversight can be said to be one of the cornerstones of a democratic Parliament, since if properly utilized, it can hold a government accountable for the policies that it tables and seeks to implement. It is parliamentary oversight that is the main monitoring tool of Executive action. In this regard, a critical tool of Parliament's kit which would allow it to carry out its oversight function, is the mechanism of questions to Ministers. I must say that the recent history in this Parliament on that score is severely tainted. I want to choose some examples from Senate hearings over the period 2007 to 2010, and I am selecting from the month of April in each of those years.

The sitting of the Senate on April 03, 2007—and here I am referring to the answers to questions—out of eight questions only one was answered with the rest being deferred. The then Madam President, indicated to the Senate at that time and I quote:

“The questions are piling up and we need to get some answers.”

That is April 2007.

On April 08, 2008, three questions were answered and 21 were not, and in that same sitting the then Sen. Wade Mark had cause to remark to the Senate and I quote:

“...several questions have gone unanswered, even though they have been on the Order Paper for between five and 10 weeks, even up to 11 weeks; both in terms of questions for oral answers and those for written answers.”

In the sitting of the Senate on April 28, 2009, two questions were answered out of 14 questions. Again, on this occasion Sen. Wade Mark had cause again to indicate the disappointment of the then Opposition and I quote:

“...at the numerous questions that have been posed to the Government and having been postponed on several occasions, and giving this Senate an undertaking that they will be answered, we came again with the same postponement and deferment.”

Finally, prior to the dissolution of Parliament in April of this year, in the sitting of the Senate on April 06, 2010, seven questions were deferred and only one was answered.

Madam Vice-President, as Sen. Ramkhelawan had pointed out, the Standing Orders of the House of Representatives do not provide explicit provisions dealing with the deferral or postponement of answers to questions. Standing Order 19(7) provides that where questions are unable to be answered orally they can be responded to in writing and then forwarded to the Member concerned.

The Standing Order of the Senate, Order 18(7) allows for questions not receiving an oral answer at that sitting to go to the next day. The lacuna in the Standing Orders of both Houses of Parliament lies in the fact that there is no time limit on deferral of questions for answer and in that regard I share Sen. Ramkhelawan's concern and, I think, I agree with him that the Standing Orders Committee might want to consider this particular lacuna since it creates a significant hurdle to the effective scrutiny function of the Parliament.

Continuing on the issue of scrutiny, there is the scrutinizing power of the select committees. The select committees is another main tool available to Parliament in its role of scrutiny, and it has become the most widely recognized and public means by which Parliament holds Government Ministers and their departments to account. And in recognition of the value of the tool one would

recall under the UNC administration in the years 1995 to 2000 the Constitution of the Republic of Trinidad and Tobago was amended to establish Joint Select Committees of Parliament by virtue of section 66A.

Further appointments to the committees and procedural elements are governed inter alia by section 79(B) of the Standing Orders of the House of Representatives and these committees can enquire into and report to both Houses of Parliament in respect of government ministries, municipal corporations, statutory authorities, enterprises owned or controlled by or on behalf of the State or which received funding from the State for more than two-thirds of its total income in any one year, and the service commissions in relation to the administration, the manner of the exercise of their power, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.

Madam Vice-President, the last Joint Select Committee established to investigate ministries, Part II, was established on October 21, 2008 and no report has yet been made available to Parliament from this committee for Parliament's noting. However, if one reads the proceedings of the committee one will note instances of unwillingness on the part of ministries and their agencies to submit information requested by the committee.

The Parliament requires certain tools at its disposal to adequately carry out its scrutiny function, and to this end the review of the existing powers given to select committees and the manner in which such powers may be expanded in line with other common law jurisdictions is critical and it is advisable that we consider that the Standing Orders of both Houses be reviewed to ensure that this Parliament operate with optimum efficiency. I should mention at this point that even before it was elected into government in the election of May 24, 2010, this Government, via its manifesto, had made mention of its intention to make the Parliament much stronger in terms of its representation function.

If I am to quote from page 18 of the manifesto of the People's Partnership, it states under the heading "Strengthening Representation" that:

- “• We will strengthen the committee system of Parliament to play a more effective role in matters such as foreign policy and energy policy.
- We will encourage full parliamentary debate on controversial issues.”

As such, at the opening of the 35th Conference of the Commonwealth Parliamentary Association that was held here last week in Trinidad and Tobago and which I mentioned earlier, it was indicated and I quote again:

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“That the Government of Trinidad and Tobago fully understands the need for strong mechanisms to oversee Government as this only enhances public confidence and promotes greater accessibility of government's activities, and here I want to put a plug for the strengthening of the committee system of Parliament. We all know that there are challenges to operations of this system, particularly in our small Parliaments, but there is no doubt in my mind that the committee system will enable Parliament to better organize its work and discharge its functions effectively in the fulfillment of the mandate of the people.”

And that is a quotation from the hon. Prime Minister's statement again.

Madam Vice-President, having examined the possible defects in the efficient and effective workings of the Parliament in the past, we must not only ensure that inordinate delays are prevented, but as Sen. Ramkhelawan has asked, "We need to take the necessary action to maximize the efficiency and effectiveness of our Parliament."

At the international conference in Denmark, “Benchmarking Assessment for Democratic Parliaments” which was held in Paris in March 2010, the participants' statement recognized *inter alia* that Parliaments are undergoing considerable change and working hard to exercise more effective oversight over the Executive, including oversight over the budget process and the increasingly important area of international policy.

That conference recommended among other things that Parliaments recognize that it is periodically advisable to assess themselves against international criteria for democratic Parliaments and whether they are keeping to their standards of effectiveness and efficiency. We see that the strengthening of the parliamentary system in this way would only benefit the citizens. So while on the one hand we must ensure that the Standing Orders committee is allowed to review the Standing Orders of both Houses to ensure that powers given to the Parliament regarding questions and to select committees is sufficient to empower them to perform the task as mandated, on the other hand we must look to establish a system that would allow the Parliament to monitor its work by asking valid questions, including, are questions being answered in a timely fashion? Are Bills progressing through the Parliament in a democratic manner? Are committees established by Parliament given the political space in which they can operate effectively?

In 2008, the International Parliamentary Union compiled a self-assessment tool kit for parliaments based on submissions from 75 parliaments around the

world and this tool kit was produced in the IPU's 2006 guide for good practice for Parliament and democracy in the 21st Century and this guide has set out a number of criteria for a democratic government, the most essential to our immediate purpose being the effectiveness of a Parliament.

3.30 p.m.

An effective Parliament as per the IPU is one with an effective organization of business in accordance with democratic norms and values. At the national level, the effective performance of legislative and scrutiny functions is required, with Parliament acting as a national forum for issues of common concern. There must also be active involvement of the Parliament in international affairs, and a cooperative relationship with the State.

The methodology advised by the IPU in its guide, involves questions about the nature and work of the Parliament concerned, which is grouped under six topics:

The representativeness of Parliament;

Parliamentary oversight over the Executive;

Parliament legislative capacity;

The transparency and accessibility of Parliament;

The accountability of Parliament; and

Parliament's involvement in international policy.

The IPU suggested a marking from 1 to 5. A low mark of 1 is if you are not performing the function well, and a mark of 5 is if you are performing the function well. I do not propose to suggest that we adopt that tool kit as proposed by the IPU. However, it is something that we might want to consider as a way of determining whether we are functioning effectively and efficiently as a Parliament.

However, Madam Vice-President, the Commonwealth Parliamentary Association has itself compiled a list of prescriptive benchmarks based on general benchmarks, Legislature organization, Legislature functions and values of the Legislature. These benchmarks are created to assist member countries in crafting the best mechanism by which they can assess their performance. But, we are certainly all aware that some review and assessment of these available methodologies might be considered by this Parliament before any particular one can be adopted and used as an assessment tool of our Parliament's functioning.

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In conclusion, Madam Vice-President, I would like to indicate as I had pointed out earlier in my statement here, that this side of the Senate is of the view that a method of assessment is useful and critical to the democratic operation of this Parliament. In this regard, allow me to indicate our commitment to this honourable Senate, that we will take the necessary steps to ensure a review of the Standing Orders to allow for full use of the tools for scrutiny, both of the Upper House and of the Lower House.

Further, we give the commitment to ensure the establishment of a mechanism, whereby the Members of the Parliament can consider available methodologies of assessment of performance, and recommend that which can be applied in our Parliament to increase and strengthen its democratic operation.

Indeed, our Prime Minister in the run-up to the general election had indicated, that it is this administration's desire to raise the level of debate in this Parliament and return it to its former halcyon days. It is critical that the level of debate in the Legislature is raised just beyond the level of "hit and run" debate, and rather than having a predominantly adversarial focus, gives priority to creating the best outcomes for our citizens.

Madam Vice-President, in conclusion, I would like to quote the words of our hon. Prime Minister in speaking to the Youth Parliamentary Conference last Wednesday evening, as we consider all of the options available to us:

"Perhaps it is time to create a parliamentary model that is more in keeping with the cultural reality of our region."

We give our firm commitment to ensuring the effective and efficient execution of the Parliament duties.

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

Madam Vice-President: Hon. Senators, in this Fifth Sitting, First Session of the Tenth Parliament, I wish to convey our congratulations to you, the Minister of Public Utilities, the hon. Emmanuel George. Congratulations! [*Desk thumping*]

Sen. Penelope Beckles-Robinson: Thank you very much, Madam Vice-President. In joining this debate, let me also congratulate the Minister of Public Utilities on his maiden contribution in this Senate, together with all the other Senators who have made maiden contributions, and to congratulate Sen. Ramkhelawan on the filing of this Motion, which I think is very timely, and probably in keeping with the recommendations of our last speaker as it relates to

the issue of assessing ourselves as a Parliament. Because in essence, I think this is what this Motion is asking us to do and the question is whether as a Parliament, we will have the political will to do that.

In so doing, I have listened to—and maybe I should comment on the statement made by the hon. Minister of Public Utilities before I go into the presentation of Sen. Ramkhelawan, maybe with the whole issue of questions, and to agree that I think we all would have some concerns as it relates to how questions have been dealt with in the Parliament. While the Minister selected the last session, I think if we go back to the sitting of Parliament—and I am talking about from its inception—the issue of questions has always been something I think that we have all been concerned with, and I do not think it is restricted to any one government. If we are to deal with it effectively, then it is necessary to review the Standing Orders because the Standing Orders make it very clear that a Minister does not have to answer a question, and therein lies the problem. So if it is we are to treat with that, I think it is the political will to look at the Standing Orders and decide whether or not we are going to make that compulsory.

Now, Sen. Ramkhelawan also dealt with the issue of questions, and we can go to many other Parliaments all over the world and see how they have treated with the issue of questions. I had the good fortune of attending the Canadian Parliament, and during question time, there is a minute to ask your question and a minute to answer. We have developed some practices that sometimes make it difficult for us to function effectively, and that is not only exclusive to Canada, but the United Kingdom and many European Parliaments have developed, and the questions are asked based on what is important for the day, rather than Members of Parliament wanting to go back and ask questions about things that happened 10 and 15 years ago, as is sometimes the practice.

So the Ministers and the Prime Minister are given the appropriate staff to deal exclusively with questions, and to anticipate what is likely to be asked on that day. You do not know what is going to be asked, but the point is that, if we could use flooding as an example, they would anticipate that the likelihood is that it is the most important issue of the day, so you come prepared to ask any question, but it is not to go on and on, and neither the answers. So I found that was very interesting, and of course, both Parliaments also have special days for the Prime Ministers to answer their questions. Again, it is not lengthy and his answers are not expected to be lengthy. So when Sen. Ramkhelawan talks about efficiency

and effectiveness, I think it is for us to decide how we want our Parliament to function. Yes, they have written questions, but because they have that feature where questions are there every single day, then they are prepared in a much better way.

Now, the other thing we talked about is efficiency and effectiveness, and again, we can think about New Zealand, Canada and United Kingdom, where in a lot of instances they sit every single day. We sit once a week on a Tuesday or on a Friday, as the case may be, and some parliamentarians even find that is too much. In Canada, they sit every single day—I will use that as an example—but with the legislative agenda, they decide if they are going to sit for three or four months. You then take your vacation for three to four months, and your constituents will know that you are not available from January to April and that you are available from April to August. They know that you go on vacation from August to whatever, but we have developed a very rigid system that sometimes works against us.

Now, people may not agree that you should have Parliament every day, but of course, if we agree that is how we want to function, it gives you the opportunity to be able to manage your business and to do a number of things that Sen. Ramkhelawan spoke about, simply because, when you are debating a Bill and you speak for how many hours today or you go until midnight or 1.00 a.m.—Once I sat in the Parliament until 6 o'clock or 3 o'clock, the following morning, whatever time, but the question arises as to whether we think about our ability to produce when we go for these very long hours. But even as we think about ourselves, very often we do not think about the staff when we talk about efficiency and effectiveness. Because sometimes we finish our debates 3 o'clock, 4 o'clock or 5 o'clock in the morning, and then somebody gets up and says, okay, we have adjourned to 10.00 o'clock the same morning, and it is the same Hansard Reporters, the same Procedural Clerks, the same Marshal, the same people that are basically coming back out to work for the Parliament that morning.

In the case of the House, we would have gone home to sleep or have the choice to go to work or not go to work, but they really do not have that choice. Not that we have seen many mistakes, but the point is if they do make mistakes, the question arises as to whether as parliamentarians, we have cared sufficiently about those members of staff who have to come and produce in the way in which we want to run an effective Parliament.

So, having dealt with the concerns raised about questions and having given some suggestions or comparisons about how they are dealt with in other

Parliaments, it is something that can be considered. I know that Sen. Ramkhelawan said at the end:

And be it resolved that arising from the evaluation, Parliament take the necessary action within its control to maximize its efficiency and effectiveness.

And in so suggesting, he talks about taking steps to do evaluation of that efficiency.

The hon. Minister of Public Utilities also spoke about the concerns as they relate to proclamation and the entire process that it takes for moving from Bill to a law, to the enactment, to the proclamation and so on, and that is linked to Sen. Ramkhelawan's point of the role of drafting, as well as the role of Cabinet Ministers in respect of legislating and drafting.

Now those of us who have had the fortune or good fortune of being a Minister and realizing that part of your challenge is when you wish to have a particular Bill drafted and we look at the resources of the Chief Parliamentary Counsel and of the Solicitor General, in essence, you have very, very few lawyers.

3.45 p.m.

I was forced to find a way to understand why the system was taking so long, but we are really using the same resources all the time. Some of you who are now on the other side who would want to have your legislation expedited, would now realize that when you have to do your policy and you have to take it to have it drafted and you have to take it to the legislative review committee and you are sitting there, in essence, it is the same people and the same faces you are seeing all the time and the same people that are being asked to do the same work. In order for that effectiveness to take place, then I guess, not only as a Parliament but as a country, we then have to look at ensuring that when we are giving scholarships and we are encouraging people in certain disciplines, that we look very carefully at the shortage of technical people in the areas of drafting of legislation; drafting of bills which clearly the country is very short on. [*Desk thumping*]

I am sorry the Attorney General is not here but I am sure he would agree with me and I know that my good colleague, Sen. Panday, would understand some of what I am talking about and, of course, Minister Vasant Bharath and Sen. Mary King who sat as an Independent Senator.

So you have staff shortages in all these areas and there are a few lawyers who are in the Senate—and we have Sen. Prescott. You are not going to attract a lot of lawyers to go and work for peanuts in a lot of these ministries. So what do you end up with sometimes? Sometimes you end up paying consultants; bringing them from abroad to draft legislation for which they present you with legislation that they have copied wholesale from some other parts of the world; present you with that legislation and then you come to Parliament and as a government you take a lot of licks. That is the truth of it. Because you have paid for an expert and you expect that they are going to bring you legislation, yes, by looking at the comparisons from all over the world, but bringing you something that is specific to Trinidad and Tobago that deals with your unique culture, and lo and behold, you come in the Parliament and then the Opposition is reading for you the identical clause from New Zealand or Australia or somewhere else. Then you wake up, as we would say, and smell the coffee.

So those of us who are saying that it is easy to get these things done, the reality is it is not that easy. Yes, we cannot continue to make excuses but we have to find a way to appreciate the complexities of it and find a way that the system can work a little smoother. I think that the way that can happen is a greater understanding of how legislation is made and how Parliament functions, so that sometimes when we get up to talk we are much more knowledgeable of the challenges they are faced with, for government and governance.

As a matter of fact, since we are all talking about retreats, it might not be bad even for Parliament to go on a retreat. [*Desk thumping*] Sometimes we are the ones who feel we know the most and we have the greatest responsibility to ensure that our country is run properly and we can deliver the services what we are expected to deliver, but if we look back sometimes on our performances—and the Minister of Public Utilities talked about benchmarking and I think Sen. Ramkhelawan talked about how the members of the public see some of us as parliamentarians—we would be surprised to know that some of us may very well get a zero even though we are marking ourselves very highly. And it may be interesting to find out how members of the public see us.

I know that the Parliament has been going to many constituencies finding out whether they are aware of the Parliament Channel and probably getting some ideas as to exactly how they view parliamentarians. I am aware that the last government, for example, had done a MORI poll on whom the population trust the most and whom they trust the least. In terms of whom they trust the least the politicians and the lawyers came last and second-to-last. Many of us are in the

unfortunate category of being last and second-to-last. And in terms of whom they trust the most, they looked at nurses, media, you know, teachers. So probably we need to know what we need to do to move from being last or second-to-last and getting to first, second and third.

But, of course, when we talk about effectiveness and our ability to deliver, it is very important in terms of how people see us. So, Minister, I just wanted to say that your issue of benchmarking, review and assessment, I am sure that is very much linked to what the mover of the Motion is speaking about. If we are to move forward, those are the kinds of things that I think we would need to do. We tend to benchmark everybody else and we have not been benchmarking ourselves. So I am looking forward to, as you said, putting in place those reviews which you spoke about.

In terms of the committee system, I think there are some very important areas that we have to acknowledge in terms of our shortcomings. Now, I chaired three joint select committees and one of the very interesting things—and I know that, Madam President, you sat on those committees as well as hon. Minister Panday and some of the Independent Senators—a simple thing like having a room available. Okay? I am talking about basics when we talk about efficiency. You have three committee rooms; you have one Chamber, so that if you have a public sitting, no other committee can sit. There are only three committees who can possibly sit at the same time and there are so many committees that the Parliament has and, again, you are using the same staff for all of these multiplicity of committees that you have. So very often when you set a date, you have to cancel that because two other committees are sitting on the same day; somebody is using the Chamber; somebody is using the committee rooms. We do not have to knock ourselves but this is not a simple Motion and effectiveness really deals with a multiplicity of issues. We deal with the issue of infrastructure.

I am not going to get into a debate as to whether the Parliament should be the seat of power, but what I know is that if we think about a modern parliament and how a parliament functions, we have to agree as a Parliament—the Minister talked about being democratic—if the building that we now utilize can really serve the purpose for which it was intended, for us to deliver to our wider constituency and Trinidad and Tobago. And, you know, we want to hopefully remove ourselves from always getting into the argument of blaming what the government before us did not do and what the Opposition did not do. We want to move forward and accept that we have all made mistakes and if this is a Motion

that is going to help us to move forward to be a better Parliament, then I think that the only way we can move forward is by accepting that mistakes have been made and move forward from there.

For example, I do not think we could have been happy when we saw former Member of Parliament Lincoln Myers having to be brought up to the opening of Parliament by police officers, simply because there is no access for disabled persons to come into the Parliament. As I said, that is a mistake that has been made; it is a matter that this Government can consider for which I am sure you will get a lot of credit if you can do it. Because I am sure there are other persons who, from time to time, may want to come to listen to us and simply because we do not have that facility that cannot be done. That is an area that we should look at as a matter of priority.

So we talk about the rooms, the buildings and the staff and if we were to examine over the last five to 10 years how much staff have left the Parliament to go to other lucrative jobs or other jobs that probably afford them a lot more reasonable time, that also tells us that we need to look very strongly at those issues. In a lot of instances they work 4, 5, 6, 7, 8, maybe 10 hours after 4 o'clock and receive a duty allowance and for many of them that is just not sufficient. So I am sure that over the years you would have seen how many of them would have left the Parliament and really gone on to greener pastures.

At the end of the day, the question is who really speaks for the parliamentary staff and who really speaks for the Parliament. The Parliament does not fall under a ministry; it does not have a Minister per se to take issues on its behalf. I imagine it is left to the Leader of Government Business or maybe the Minister of Public Administration, but many parliaments have found a way to treat with that matter by setting up something called a board of management that is made up of Members of Parliament and other technical persons and, more importantly, the Minister of Finance. That means that in a real sense, as Members of Parliament as we are presently structured, we really do not have that sort of say in terms of how Parliament functions.

So that you have in the United Kingdom, Canada and other places where opposition, government, independent, you sit and you say this is what we want.

Sen. Panday: Hon. Senator, do you think that the House Committee of either House is strong enough or that they should be given the power to employ technical people to carry out that function?

Sen. P. Beckles-Robinson: Well, I would think the committee, yes, once the committee is so empowered, because it is a question of giving unto somebody the responsibility to do that. So that as Members of Parliament you decide this is what the Parliament needs, and that once that decision is taken, then nobody else is going to change it.

As it presently stands, the Parliament may make certain decisions and say "I want this, that", and then you go, as every other ministry and they decide, "Well, okay, you will get this; you would not get that; you get this; you would not get that." They cut your budget. That is how the Parliament is presently designed and, therefore, the Parliament, really, when the Minister talked about democracy, the Parliament is really at the whims and fancies, basically, of the Cabinet and the Executive. That is how it is presently designed. So if we talk about functioning, those are matters which we have to address.

The hon. Minister spoke about that section of the Parliament that deals with reporting. Now when I became the chairman of committees—and section 66D says that: "You shall submit to the President before the first of July in each year a report on the exercise of its functions..." And it goes on. I would not read it to bore you, but when I became the chairman of those committees, I took the liberty of having a meeting with all the permanent secretaries for all the ministries and you would be surprised to know that the majority of ministries for even the last 10 years had not filed a report. They did not have a clue that they did not file a report. Some permanent secretaries were not aware of this existing section in the Constitution. And if you look at the results now—and I know the hon. Minister spoke about the fact that a report had not been filed, but, of course, you know, events overtook themselves on May 24.

4.00 p.m.

But, clearly the minutes are there, as you have seen. For the first time, several ministries that never filed their reports, filed their reports, but they just were not aware that they had to file a report. What was even worse is that they admitted that they did not know in most instances and eventually we got them to file their reports. The reason a lot of ministries too cannot file reports is because they have nobody really to put together the data. Some of them do not have any departments. Sometimes, the Ministers end up getting blamed for these things. You would see the section really, but even though it specifies it, there is no penalty for failure to file. That is a matter that has to be addressed. Those are the reports that, in essence, tell you a lot about how the money of the government is being spent and how efficient the Ministries are being run. When they fail to file those reports you are none the wiser about what is taking place.

Linked to the issue is the building. Of course, there are difficulties in getting a quorum. You would recall, when the last government appointed several Ministers, both in the last term and the term before, there was a hue and cry about the number of Ministers appointed and that the Cabinet was too large. Subject to correction, there are now 28 Ministries and this Government has found itself in a situation where there are no backbenchers or probably one. The debate that was raging on the last occasion, as to whether Ministers should sit on committees, has come full circle. It is going to be very interesting as to what position this Government will take on Ministers sitting on committees. In truth and in fact, you have no choice. You have absolutely no choice. As I understand it, your only backbencher is your Deputy Speaker. That is why I say, sometimes when we are on this side, some of us may not anticipate that we will have the same challenge when we go on the other side.

The recent Commonwealth Parliamentary Association Conference that the Minister of Public Utilities referred to was really probably an eye-opener for some of us. I want to congratulate the Parliament, the Government and all those who were responsible for organizing it. I know a lot of people did not, for several reasons—or may not have had the opportunity to—attend a lot of those sessions, but they were really quite an eye-opener. The bottom line is that in a Parliament such as ours, with only 41 MPs, it really becomes very difficult for Ministers not to sit on committees. I make that point over and over, simply because we are a small Parliament and in a small Parliament you really do not have much of a choice.

If we take for example, the British Parliament where there are 650 Members of Parliament, yes, or New Zealand with 300-plus, or Australia, you have choices, in terms of backbenchers. In our case and in many other cases in the Caribbean, you really do not have that choice. Where a government has a coalition, it makes it even harder. That is the reality. Because, it is not easy for you to then say that you are only going to pick X and you are not going to pick Y, because you have expectations. Sometimes we may not see down the road that what we are objecting to would come straight in our laps and we may end up having to do identically what the previous government did.

Madam Vice-President, I just looked at some of the other countries in the Caribbean to get a little example as to how they have dealt with it. Let us take for example Bermuda. There are 36 MPs, 23 Government and 13 Opposition; Barbados, 21 Government and nine Opposition; British Virgin Islands, 11 Government and two Opposition; Grenada, 11 Government and four Opposition; Antigua, 10 Government

and seven Opposition; and Jamaica, 31 Government and 29 Opposition. When you listen to that conference and from the figures that I have given you, you would realize that the majority of Caribbean Parliaments have a similar problem. If you take Jamaica as example with 31/29, there is the whole difficulty in managing just a one-seat majority. Therefore, it was interesting to hear how some of those Parliaments have been able to manage where there is a one-seat or a three-seat majority.

Let us take Antigua for example. In Antigua, there are 10 Government and seven Opposition, but the interesting thing, as you would know, is that there is a matter before the court where three of the Government seats are being challenged. You can find a situation where you can have a reverse if the Opposition wins and they can find themselves in Government and the Government can find themselves in Opposition. Most of those other Parliaments have said that unlike Trinidad and Tobago, a lot of the committees do not meet.

In Guyana, they meet almost every week and in some instances, almost every day of the week. In Jamaica they also meet very regularly. I was surprised when I heard Sen. Ramkhelawan say that they refer to them as being lazy. When I listened to them they actually meet much more regularly than we are meeting.

The bottom line is, in smaller parliaments we do not have the luxury of a lot of backbenchers to be able to choose from, for you to comfortably say that you will not have Ministers sitting on committees. Sometimes they just do not exist. If you look at the present configuration where there are 29 Government and 12 Opposition, if you are to put the Opposition together with the backbencher, it just will not be possible for the committees to function.

Jamaica has a very interesting position that they have taken. They are now allowing the Opposition to chair all committees. Every single committee is chaired by the Opposition. I guess you have to get to a level of maturity in a parliament for that sort of thing to happen, because very often what you find is that there is a sort of fear by the government as to what the Opposition may or may not do, but they have a system and for all intents and purposes, it appears as though that system is working and is working very well.

What that also allowed is Sen. Ramkhelawan's point about the committee system sitting specifically to treat with Bills, be they controversial or otherwise, to shorten and minimize the time when those Bills come to Parliament. There is also an agreement that you do not have every Opposition Member speaking, every Independent Member speaking or every Government Member speaking. In truth and in fact, you would have taken your position as a Government, Opposition and

Independent on those particular pieces of legislation. Therefore, when it comes to the Parliament, there is a sort of agreement that allows you to treat with those matters, so you reduce the time and you then allow the Parliament to function much more effectively. That is certainly one of the very good recommendations, which I think we can consider. Bear in mind the challenges that I have said before, in terms of your space, the building and whether, of course, it allows you to be able to do that whilst you are sitting on so many other committees.

Madam Vice-President, I think it is fair for me to assume that some of the Ministers, Parliamentary Secretaries and Ministers of State would have some of the same problems as the previous government. That is to say, when you think of any given week—I remember certainly when I was a Minister—Monday was FNGP in the morning. On Monday afternoon very often we had one of the other committees that relate to your portfolio. Tuesday, of course, there was Senate for the Senators. In the morning you would be preparing. Wednesday would be some other special committee. Thursday was Cabinet and Thursday evening was your constituency day. Friday evening was Parliament. Look at that logically, I do not suspect that under this new administration, that may have changed much. Your days may have changed, but in truth and in fact, when you look at the possible number of hours available to you to sit on these committees so they can function in the way in which they are expected, it is a serious challenge. That is just the reality of it, as we try to grapple with this problem as to how do we make Parliament more effective and efficient.

As someone who has been an MP, we have Ministers Panday and Bharath, you sit on a committee and your effectiveness as an MP—people do not really care how many committees you sit on. As a matter of fact, when you have your constituency day, which you very often lose because you have a committee sitting, that really does not help you as an MP. As a matter of fact, that makes things worse for you.

When you are talking about effectiveness of the Parliament you are also talking about your effectiveness, in terms of your ability to truly represent your constituents who very often do not see value in some of the work that these committees are doing. So, therefore, you have that challenge when you say: “Well, I have a committee meeting.” They would say: “What committee meeting could be more important than you coming to your constituency office to deal with flooding, roads and housing?” That is, to me as a constituent, how I determine whether you are effectively representing me. You also have that balance, as a Member of Parliament, that you have to consider, in terms of how people see you and in terms of what is effective representation.

In Jamaica, recognizing that challenge, they have set up something called a Constituency Fund. That Constituency Fund Committee is made up of Members of Parliament, members from the Ministry of Finance and other technocrats. Also sitting on that committee is a representative from what they call the Contractor General, so that they ensure the moneys are properly spent and disbursed. That fund which is presently \$20 million, is divided equally amongst all of their 60 Members of Parliament and Members of Parliament are asked to bring their respective projects, be they infrastructural and otherwise, to that committee. No money passes through your hands because there is a committee which is responsible for so disbursing. Therefore, it allows you to be in a better position to, at least, appear to be an effective representative of the people and not just someone who is spending a lot of time in the Parliament because that is how a lot of them see you. If you are not available to them, as a Member of Parliament and not able to do your work as an MP and spending a lot of time doing parliamentary business, which is important to you representing them, they may not always see it that way. That is how they have sought to treat with that. Maybe, as we look at reviewing and we look at the effectiveness of the Parliament, it may be something that we would want to look at very closely.

4.15 p.m.

Now, from time to time, we have had some controversial matters coming before the Parliament that, again, may affect how efficient the Parliament is run and it may deal with the whole issue of representation.

Now, I was talking to some of my colleagues during this last conference, and they spoke about something called a conscience vote. Now, a conscience vote, as I understand it, exists only in two Parliaments in the Caribbean, namely, Jamaica and Guyana. In Jamaica that conscience vote was used to deal with the controversial issue of hanging. In Guyana, it was used to deal with the issue of a Bill for the termination of pregnancies on particular occasions.

Now, I raised this matter because it came up during the course of that session—some of the MPs raised it—and it was raised to show when certain controversial Bills come up, how do you manage those Bills.

Sen. Ramkhelawan talked about certain Bills that require a simple majority or a special majority, and that the Government may want particular Bills to be passed, and those Bills cannot be passed, because you may require a special majority from the Independent Bench. But there may also be Bills, depending on your religious persuasion or otherwise, where you may have difficulties, and

those Bills may never see the light of day for many reasons, simply because people prefer just not to deal with them—not to put yourself in a position where you are asked to compromise yourself.

Again, referring to the Opposition chairing many committees in Jamaica, they have taken that position and it has happened, I think, only in those two situations, where they had those very controversial pieces of legislation. What it allowed for was, you had your committee system, but where it had to come to Parliament for the vote, having exhausted all the opportunities through the committee systems, that situation arose. So, in advance, I guess persons who took very strong positions—religious positions or other positions—they would not have suffered the consequence of their party or even their country feeling that they were going in a particular direction, since there is an acceptance that is the particular way in which you can go.

The other area that was raised by Sen. Ramkhelawan was the issue of the Standing Orders. As Sen. Ramkhelawan said, there were two situations in which there were revisions of the Standing Orders. I am also aware that there was a committee chaired by the former Minister Camille Robinson-Regis. I know that there was an agreement by the Government, the Opposition and Independent Senators about the Standing Orders and several matters were agreed upon in terms of the review of the Parliament, I do not know what has become of that document. I did not have the time to find a copy of it, but a lot of time was spent by the Parliament reviewing that document; reviewing the Standing Orders; and reviewing a number of things. For example, there was an agreement to reduce the speaking time. So, we may not necessarily have to reinvent the wheel in all the areas, but I know that it is a document that we can certainly look at which will be very helpful. I do not know how Members feel, in terms of the reduction of the speaking time, but I am sure that it will probably make a lot of other people very happy if we talk less in the Parliament.

So, I want to recommend that document to be assessed, and that may be one of the ways to start with some of the recommendations that were made by Minister George as well as some of the issues that were raised by Sen. Ramkhelawan, and the appropriate recommendations. [*Desk thumping*]

Madam Vice-President: Hon. Senators, my personal congratulation, as well as on your behalf, to the hon. Senator—[*Interruption*]—I know, but before we end today's session, congratulation to you.

Adjournment

Tuesday, August 03, 2010

ADJOURNMENT

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Madam Vice-President, I beg to move that this honourable Senate do now adjourn to August 10, 2010 at 1.30 p.m. On that day, we hope to debate the Senior Citizens' Grant (Amdt.) Bill, 2010 which was laid in the Parliament today.

Thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.22 p.m.