

Leave of Absence

Tuesday, October 26, 2010

SENATE

Tuesday, October 26, 2010

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

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

I propose that further consideration of this matter be deferred, if the Senate is so inclined.

Agreed to.

CONDOLENCES

(DR. EMRU DOUGLAS MILLETTE)

Mr. President: Hon. Senators, it has been brought to my attention the passing of a former Senator who served this honourable House for two terms from 1976—1981, and 1981—1986. In the second term, he served with distinction as Vice-President to the Senate.

I refer to the late Dr. Emru Douglas Millette, who departed this life on September 03, 2010, and I now invite this House to pay tribute to one of its former servants. I now call on the Leader of Government Business.

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Thank you very much, Mr. President. Today, it is with a deep sense of regret that I rise to pay tribute on the passing of a gentleman whom I had known for many years.

Dr. Millette was first and foremost a friend to all those with whom he came into contact. Even at an early age it was evident that he would have risen to hold high office in this land.

In 1976, he was appointed a Government Senator. He was then reappointed to the Senate in November 1981 as an elected Vice-President of the Senate. His tenure as a Member of this Senate, and as Vice-President, was marked by reasoned, stoic contributions based on his professional ability which was engineering.

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In his term as a Government Senator, he presented a petition for the incorporation of the Development Education Association and served as Chairman of a Special Select Committee on the Lions Club of Port of Spain East Incorporation Bill. During his tenure as Vice-President of the Senate, Dr. Millette served as a Member of the Standing Orders Committee of this Senate, and, as Chairman of the Special Select Committee on the Life Underwriters Association of Trinidad and Tobago Incorporation Bill.

He was the Chief Executive of his own company, Millette Engineering, and that company went on to make law, as my friend, Sen. Fitzgerald Hinds would know, Swat and Millette Engineering. The company had an unenviable reputation of being the first local company to present a study on the subject: how to manage drainage in the Port of Spain area.

Hon. Members, history may well record that a rejection or non-acceptance of this proposal may have contributed in no insignificant way to the disastrous flooding of Port of Spain and environs, to which they are now frequently subjected. Indeed, his seminal work on wastewater disposal is now being reviewed by the Government to ascertain whether it could be implemented successfully.

Dr. Millette can be described as a scholar, a professional, a gentleman and a patriot, who always stood up for what was right, over and above that which was politically expedient.

Mr. President, hon. Members, on behalf of the Government and the people of the Republic of Trinidad and Tobago, and my own behalf, I wish to extend my deepest sympathy and condolences to the bereaved family and friends of the late Dr. Emru Douglas Millette on his sad passing.

Thank you. [*Desk thumping*]

Sen. Penelope Beckles-Robinson: Thank you very much, Mr. President. On behalf of the Opposition Members of the Senate, I would like to join with this Senate in paying tribute to the former Vice-President of the Senate, Dr. Millette, and to say that when he was selected by the then Hon. Dr. Eric Eustace Williams, it would have been because he saw him as a young, brilliant man, who was willing to make a contribution to the development of Trinidad and Tobago. He can be described as a person of the 70s, an era in which many persons developed a different type of consciousness of Trinidad and Tobago. He was a social worker. He was someone who was very passionate about issues of infrastructure,

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drainage, development, water, wastewater, and he brought to bear those areas of experience in terms of his recommendation to the development of Port of Spain, and, of course, the wider Trinidad and Tobago.

Today we join with many others in expressing condolences to his family, and we acknowledge the contribution he has made to Trinidad and Tobago.

Thank you. [*Desk thumping*]

Sen. Basharat Ali: Thank you. I would like to pay tribute to a contemporary and fellow engineer. Dr. Millette passed away recently at the age of 72, as far as I am aware.

Dr. Millette's political career has been mentioned both by you, Sir, and by other Members, but I think it is worthwhile to mention that he was a Government Senator in the first Republican Parliament of Trinidad and Tobago in Parliament from 1976—1981, and subsequently from 1981—1986 he was Vice-President of the Senate under Dr. Wahid Ali who was the President at the time. So he served 10 years at the beginning of the Republic of Trinidad and Tobago and was a worthy person in that respect.

I know him more as an engineer, but, today, we hear what his academic career has been. Dr. Millette's first degree was a Bachelor of Science in Civil Engineering at Queen's University, Belfast in the 60s. He subsequently went to the United States where he attended the Purdue University and did his Masters and PhD before returning to Trinidad. So he has had a very firm education in the field of engineering. His first job to the nation was at WASA.

He worked for a number of years in WASA during the early 70s and rose very quickly to the position of Chief Engineer, Operations and Maintenance. Subsequently, he was appointed as an advisor to the board of WASA. So that was his career during the 70s. He later formed his own consulting company called Millette Engineering International and had offices, firstly at Stanmore Avenue and then on Herbert Street, Port of Spain. He had a striving consultancy; I can assure you of that.

It is in that period, Mr. President, that this subject of a drainage plan for the city of Port of Spain became a very controversial issue and had to be settled in the court. After that, he retired from public service life in Trinidad, and his other position then was with the ILO, where he served at a senior level for five years before retirement. So he had a brilliant career: civil engineering to start with; a civic minded person, by giving 10 years to this country and then having an international career through his work at the ILO.

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I believe around the end of August, his name had been in the press a number of times with respect to this drainage plan which he had prepared, and which seems to be a template for us to follow. Of course, 30 years have gone—because he was assigned this job in 1982—and conditions have certainly changed, or habits are worse than they were 30 years ago. So we may need to use it as I say, as a template, and to adjust it as necessary, but it will be a legacy of the work of Dr. Millette, if that is used as a basis which can be further amended to meet our present day requirements, rather than starting to do it all over again. So he was a very fine person from my own personal knowledge of him and we will miss him. Being at age 71 is not very old, but he is gone.

I wish to extend my condolences to his family. I believe he has three daughters. In fact, I spoke to one of them this morning and told her that we will be paying tribute to her dad. She was very happy about that. So I extend my condolences, particularly to his daughters and the rest of his family, and on behalf of all of us I thank him for his service. May God bless him and may he rest in peace. [*Desk thumping*]

Mr. President: Hon. Senators, I wish to associate myself with the tributes paid by the three Senators, which preceded this, and on behalf of myself and my family and the Members of the Senate, I extend sincerest condolences to the family and relatives of Dr. Millette. I have instructed the Clerk that an appropriate letter of condolence, together with the *Hansard* transcripts of the sentiments expressed, be forwarded to the family of Dr. Emru Millette.

May we all stand in a minute's silence as a mark of respect to the memory of Dr. Millette.

The Senate stood.

1.45 p.m.

CONDOLENCES
(DAVID HOWARD THOMPSON QC,
PRIME MINISTER OF BARBADOS)

Mr. President: Hon. Senators, as you are all aware, the Caribbean lost a great son on Saturday, October 23, 2010. David Howard Thompson QC has been described as a man who was humble, gracious, selfless and whose commitment to the service of his constituents and his country remained firm even through illness.

I now invite the Senate to pay tribute to this exemplary statesman.

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Thank you very much, Mr. President.

Mr. President, hon. Senators, 48 years ago, on Christmas day 1961, the hon. David John Howard Thompson was born in England to Margaret Knight and Charles Thompson. I dare say that neither parent knew that their loving son would one day grow up to be the Prime Minister of Barbados.

As a young man, he attended school in Barbados and was an avid sports fan. The entire Caribbean community would well recall that David Thompson was elected Prime Minister of Barbados in 2008, having first been elected to the House of Assembly of Barbados in 1987 as a member of Saint John. He was married to Marie-Josephine Mara, with whom he fathered three daughters, Mischa, Oya and Osa-Marie.

In 1986, Mr. Thompson was admitted to the Bar, having graduated with honours from the Faculty of Law at the University of the West Indies in 1984. He specialized in corporate insurance, international business and property law. His career in the service of the people of Barbados began in 1987 when he was elected to the Barbados House of Assembly to represent the constituency of Saint John.

I knew Mr. Thompson at the Sir Hugh Wooding Law School in the class of 1985. He was very intelligent and eloquent. Everyone knew of his stewardship in the youth arm of the Democratic Labour Party in Barbados. Even at Law School it was clear that David Thompson had a keen interest in politics. Whenever he had spare time on the campus all he spoke about was politics. He was affable and that, coupled with that strong Bajan accent, caused many to gravitate towards him.

In 1991, he was appointed Minister of Community Development and Culture. In 1992, he served as the Minister of State with responsibility for Finance and was then appointed Minister of Finance. In 1994, he was elected leader of the Democratic Labour Party, a position from which he resigned in 2001. In 2006, he was re-elected leader of the Democratic Labour Party and, in 2008, he was elected the sixth Prime Minister of Barbados.

During his career in public service, Mr. Thompson provided consultancy services to a number of regional institutions: the Commonwealth Secretariat, the Caribbean Law Institute, the Caribbean Policy Development Centre and the Caricom Secretariat. As Prime Minister, he was irrevocably committed to Caribbean regionalism and the creation of a Caribbean Single Market and Economy. He advocated these positions passionately.

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Only last year, 2009, the former Prime Minister, David Thompson, attended two major international conferences here in Trinidad and Tobago—the Fifth Summit of the Americas in April and the Commonwealth Heads of Government Conference in November.

The Government and People of Trinidad and Tobago join the Government and People of Barbados and the entire Caribbean region in mourning the passing of this great, committed Caribbean leader. His passing, too soon, at the age of 48, did not permit him to pursue the fulfilment of many of the dreams and aspirations he may have had for his people and his country. He will always be remembered as one of the greater leaders of the Caribbean.

On behalf of the Government and People of Trinidad and Tobago, it is with deep regret and sorrow that we extend condolences, particularly to his wife Marie-Josephine and his daughters Mischa, Oya and Osa-Marie and all the people of Barbados on their bereavement.

May his soul rest in peace.

Sen. Penelope Beckles-Robinson: Mr. President, my colleague has been so thorough that he has probably left very little for me to say.

Those on the Opposition Bench and I join with Sen. The Hon. Subhas Panday, Minister in the Ministry of National Security, in expressing condolences to his wife Mara and his three daughters, his constituency of Saint John, the Democratic Labour Party, the wider population of Barbados, the legal fraternity and the wider Caribbean region.

As someone who had the opportunity to attend Cave Hill with David Thompson, I can speak from personal knowledge of the kind of person he was. As Sen. The Hon. Panday said, he was a very humble person; a very kind person who was always sure that he would have been the Prime Minister of Barbados one day. It did not surprise anyone that, notwithstanding his challenges as Leader of the Opposition, he eventually became the Prime Minister because it was not something he hid from us. He made it clear that was his dream, his passion to become Prime Minister and to lead Barbados.

Unfortunately, he died before he attained his 49th birthday, which would have been on Christmas Day. He would not have been able to fulfil his potential but we all hope that the Democratic Labour Party, knowing his passion and his dream, would have been left an impression that allowed them to continue some of his dreams and aspirations.

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David Thompson loved Trinidad and Tobago. He enjoyed calypso. I had the good fortune of attending his inauguration in January 2008 and to see how much the people of Barbados loved him and how much he was dedicated to the development of youth and community.

As someone who has passed on, it is a tremendous loss to the region and to the legal fraternity. I am happy that the University of the West Indies has given the opportunity to persons in this Senate—the Minister in the Ministry of National Security and me—to meet persons who now serve in Jamaica, Barbados and St. Lucia. To me, that is one of the great assets of the University of the West Indies; that true integration exists, so that today we can stand and say that the University of the West Indies at Cave Hill has produced a true son of the soil and one of the more brilliant young leaders in the Caribbean.

Sen. Corinne Baptiste-Mc Knight: I thank you, Mr. President. I rise on behalf of the Independent Bench to pay tribute to a Caribbean exemplar. It is a sad day for us, but we rejoice with him and his family in the fact that he was able to achieve his life's dream and ambition to become Prime Minister of his country. This is a task that he fulfilled with distinction.

He will always be remembered for the intelligent way in which he fulfilled his job; the integrity, compassion and commitment which he brought, not only to his constituents and his countrymen but also to the whole region, in the manner in which he fulfilled his functions as chairman of the group leading the Caribbean Single Market and Economy (CSME). It is our hope that the inspiration that he gave to us will bear fruit in impelling us to achieve the ideals he set out in his short stint in office.

I extend heartfelt condolences on behalf of the Independent Bench to his family, his constituents, the Barbadian community that he served well and the region which shall always mourn the loss of a most distinguished son.

Mr. President: I, too, would like to associate myself with the tributes that went before me from the three Senators. On behalf of the Members of the Senate, my family and myself, I extend sincerest condolences to the family and relatives of Mr. David Thompson and I have instructed the Clerk that an appropriate letter of condolence, together with the *Hansard* transcript of the sentiments expressed, be forwarded to the Government of Barbados for onward transmission to the family of Mr. David Thompson.

May we stand as a mark of respect to the memory of Mr. David Thompson.

The Senate stood.

2.00 p.m.

PAPERS LAID

1. Annual report of the Telecommunications Authority of Trinidad and Tobago for the period October 01, 2008 to September 30, 2009. [*The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday)*]
2. Annual report and financial statements of the Regulated Industries Commission for the year ended December 31, 2004. [*The Minister of Public Utilities (Sen. The Hon. Emmanuel George)*]
3. Annual report and financial statements of the Regulated Industries Commission for the year ended December 31, 2005. [*Sen. The Hon. E. George*]
4. Annual report and financial statements of the Regulated Industries Commission for the year ended December 31, 2006. [*Sen. The Hon. E. George*]

**DEFINITE URGENT MATTER
(LEAVE)**

Mr. President: Hon. Senators, I have received from the Leader of Business on the Opposition side a matter relating to an application to hear a matter of urgent public importance pursuant to Standing Order 12 of the Senate. I would like you to know that I have considered this application, but on this occasion, do not consider that it falls within the ambit of Standing Order 12 and, therefore, I have indicated that my ruling is that we will not hear this matter this afternoon as a matter of urgent public importance.

PERSONAL EXPLANATION

Clarification of Housing Development Corporation Document

Mr. President: In accordance with Standing Order 19, I have granted leave to Sen. Faris Al-Rawi to make a personal explanation to this Senate.

Sen. Faris Al-Rawi: Thank you, Mr. President, for the opportunity to make a short personal explanation. I have taken the liberty of preparing the text and I thank you for your kind consideration in allowing it.

My personal explanation is as follows. On Tuesday, October 12, 2010, a document purporting to be the Annual Report 2006/2007, of the Trinidad and Tobago Housing Development Corporation, was tabled before this Senate on the Supplemental Order Paper. At page 2 of the said document, there appears what is described as a “Chairman’s Review”, at the end of which also appears a

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typewritten signature “Farris Al-Rawi”, with the next line being “Acting Chairman.” Insofar as this document and in particular the “Chairman’s Report” purports to have been prepared and/or read, and/or approved by me, Faris Al-Rawi, I ask this honourable Senate to note:

Firstly, I was not, nor have I ever been appointed by the President of the Republic of Trinidad and Tobago as the Chairman or Acting Chairman of the Trinidad and Tobago Housing Development Corporation.

Secondly, I was not on the Board of Directors of the Trinidad and Tobago Housing Development Corporation in 2006.

Thirdly, I joined the Board of Directors of the Trinidad and Tobago Housing Development Corporation in 2007.

Fourthly, prior to the delivery of the Annual Report 2006/2007 of the Trinidad and Tobago Housing Development Corporation to me on Tuesday, October 12, 2010, at the Parliament at 1.30 p.m., I never had sight of and/or knowledge of the said document.

Fifthly, further, I was not the author of nor did I, at any time prior to the commencement of the sitting of the Senate on October 12, 2010, have sight of and/or any knowledge of the said chairman’s statement, let alone the annual report.

Sixthly, no person from the Trinidad and Tobago Housing Development Corporation, or anyone acting on its behalf, contacted me in relation to the preparation and/or distribution of the annual report or the chairman’s statement that appeared therein.

Seventhly, my efforts to obtain an explanation from the Trinidad and Tobago Housing Development Corporation as to the author of this annual report, and/or the chairman’s statement, to date, have proved futile.

Lastly, my name Faris is spelt “Faris”; that is with one “r” and not as set out on the document. Thank you, Mr. President.

PROCEDURAL MOTION

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, in accordance with Standing Order 20(4), I seek leave of the Senate to deal with Government Business before Private Business.

Question put and agreed to.

EVIDENCE (AMDT.) (NO.2) BILL

[Third Day]

*The committee of the whole Senate resumed its deliberations on the Bill.**[Chairman: Sen. Hamel-Smith]*

Mr. Chairman: There has been circulated and put before Senators a new amendment. I believe, based on what had been discussed on the last occasion, the amendment is to section 15AB, as proposed then.

*Clause 4 reintroduced.**Question proposed, That clause 4 stand part of the Bill.*

Sen. Panday: Mr. Chairman, I beg to move that clause 4 be amended as follows:

- “4 (a) Renumber the proposed section 15AB as section 15AB(1); and.
- (b) Insert after the renumbered section 15AB(1) the following subsection:
- ‘(2) Notwithstanding subsection (1) the Judge shall, where there is sufficient evidence to justify such a warning, warn the jury that an absence of recent complaint or a delay in complaining is relevant to the alleged victim’s credibility.’”

Mr. Chairman: You may make comments on the proposed amendments at this stage.

Sen. Al-Rawi: Just for clarification, it is that section 15AB—I see, sorry, I have answered my own question. I wish to state that these amendments are exactly what we were speaking about on the last occasion. I thank the Leader of Government Business and his team, those draftspersons sitting to his immediate left, for their work in recasting this section. I think that it is certainly a better worded amendment than we had circulated and I am happy with the term and content.

Mr. Chairman: Thank you, Senator.

*Question put and agreed to.**Clause 4, as amended, ordered to stand part of the Bill.**Clause 6 reintroduced.**Question proposed, That clause 6 stand part of the Bill.*

Sen. Panday: Mr. Chairman, I beg to move that clause 6 be amended as follows:

“6(c) In the proposed subsection (3) delete the words ‘the police officer’ and substitute the words ‘a police officer of or above the rank of Inspector who is not directly concerned in’.”

Sen. Beckles-Robinson: I just wanted to get from the hon. Minister the thinking behind this particular recommendation, which is:

“‘a police officer of or above the rank of Inspector who is not directly concerned in.’”

Sen. Panday: Hon. Senator, what we were endeavouring was to ensure the integrity of the proceedings. These relate to very serious offences. A policy position has been taken. You would remember, in the 2007 Act, we amended (f) to delete that section which deals with the child having the power to choose the person of his or her choice. We thought if we had left it as it is, where we say: “the following category of person chosen by the police officer conducting the investigations”, we thought the police officer may have some interest in the matter, and, as such, we wanted to ensure the integrity of the proceedings.

In any event, if one looks lower down in the section, one would see: a parent or legal guardian of the child or any person over the age of 18, an attorney at law, Justice of the Peace or a qualified social worker.

The category of persons has been defined by law. Even within that category you may find, if the officer who is conducting the enquiry has a discretion, he may not use it in the interest of the child. Thank you.

Mr. Chairman: Are you satisfied, or do you wish to make any further remarks on this matter?

Sen. Beckles-Robinson: No.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

2.15 p.m.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

The Senate voted: Ayes 28

AYES

Panday, Hon. S.

Sandy, Hon. Brig. J.

King, Hon. M.

Bharath, Hon. V.

Baptiste-Cornelis, Hon. T.

Fazal, Hon. K.

George, Hon. E.

Ramnarine, K.

Abdulah, D.

Watson, Prof. P.

Oudit, Mrs. L.

Moheni, E.

Maharaj, D.

Abraham, L.

Beckles-Robinson, Mrs. P.

Hinds, F.

Cudjoe, Miss S.

Al-Rawi, F.

Deyalsingh, T.

Ali, B.

Ramkhelawan, S.

Baptiste-Mc Knight, Mrs. C.

Drayton, Mrs. H.

Balgobin, Dr. R.

Wheeler, Dr. V.

Prescott SC, E.

Armstrong, Dr. J.

Anmolsingh-Mahabir, Mrs. P.

Question agreed to.

Bill accordingly read the third time and passed.

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

[Third Day]

Order read for resuming adjourned debate on question [August 03, 2010]:

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. [*Sen. S. Ramkhelawan*]

Question again proposed.

Mr. President: The list of those who spoke on the last occasion, Tuesday, October 03, 2010 are: Sen. Subhas Ramkhelawan, who moved the Motion; Sen. The Hon. Emmanuel George; Sen. Penelope Beckles-Robinson. On Tuesday, October 12, 2010, we had Sen. Penelope Beckles-Robinson; Sen. Corrine Baptiste-Mc Knight; Sen. The Hon. Rudrawatee Nan Ramgoolam; Sen. Terrence Deyalsingh, Sen. Dr. Rolph Balgobin; Sen. Kevin Ramnarine and Sen. Dr. James Armstrong. At this stage, Senators who wish to join the debate may do so.

Sen. Helen Drayton: Mr. President, thank you for allowing me to join this debate on the efficiency and effectiveness of Parliament. Now, much has been said, and many excellent suggestions and recommendations have been put forward. I will try not to repeat what has already been put on the table, but there are three areas I would emphasize since, I think, they are very important, and, if there is one point I will repeat wholesale, that is, the very Motion that the Parliament adopt the proposal to appoint a joint select committee to review the

efficiency and effectiveness of Parliament. I think it has much merit. I want to urge the Government to see the recommendation in the spirit in which it was made as a means of supporting its own mandate.

The Government, under its pillar 6, made mention of the key elements which are transparency, accountability and participation, but it went on to identify key elements of those principles of good governance, and the first one was institutional strengthening; the enhancement of democracy; and the enhancement of the delivery capacity of the Government. So, I think that this element with respect to transparency, accountability, good governance and the basic underlying theme of strengthening institutional capacity, is where I want to focus, and, I think, that is why the proposal has so much merit. I recall that it was Sen. Dr. Balgobin who said that certain suggestions mentioned call for a great deal of maturity and the will to commit to do things differently.

Now, in the short time that I have been in this honourable Senate, what I have observed is that it is not so much a question of the systems and the policies but, more so, the way we operate those systems and policies. So, therefore, we are talking a great deal about practice, and that needs to be examined very seriously.

I would use three examples, and, the first example is one matter which has been mentioned and it has to do with question time and the answering of questions. I know much of what I would say does not necessarily address what happens in this session, because I do not think that we have had many questions coming forward for this session. When a Senator asks a question, I would assume that it is to get information and seek clarification on a matter that is in the interest of the public. It is also because that Senator wants to exercise his or her important responsibility of ensuring transparency and accountability. So, the question that is posed is very important—how it is posed, how it is phrased and how precise it is—and, equally, the answer that is sought is of great importance.

I do recall in the last session where we had volumes of questions coming from the then Opposition, and sometimes as many as seven to 10 questions and, in some instances, those questions had three, four and five parts, and each part called for historical information going back five to seven years. When you have such a situation, it begs the question, if a Minister has to deal with those types of questions and volumes, do they have time for anything else?

On the other hand, under the Standing Orders, the Minister is not obligated to answer the question but, certainly, answering questions in a very timely manner is in the best interest of the citizens. It is in keeping with the whole purpose of

Parliament in accounting to the citizens out there and, of course, by and large, the Government, I think, looks good in the way it deals with questions in a timely manner.

I had the honour and privilege last November to witness the proceedings of the House of Parliament in the United Kingdom. It was a pleasure to see how the Minister stood and took the first two or three questions, which he would have known about on the Order Paper, but, thereafter, he batted for at least an hour answering all the questions that were thrown at him in a very concise manner. Now, we were not in a position to say whether the answers were technically accurate, but the whole idea of accounting and demonstrating knowledge of the portfolio under his mandate, I think, that was worthy of commendation and, certainly, it is a situation that we would like to see this Parliament adopt in the way we deal with questions and answers.

The other matter I wish to address is that of the affirmative and negative resolution but, more so, to deal with the negative resolution. A negative resolution is, basically, legislation which Parliament is delegating, so to speak, to the political directorate. More often than not such delegated legislation deals with the regulation and the rules that would normally accompany the core legislation. So, ideally, the regulation should accompany the legislation, the reason being that Parliament has a responsibility to ensure that the particular piece of regulation is consistent with the powers of the core legislation. It has a duty to ensure that there are not undue powers given to the political directorate in the context of critical pieces of legislation. Most of all, it has a duty to ensure that the regulation is in keeping with the spirit of the Constitution and it is not so draconian that it is now affecting the basic and fundamental rights of citizens under the Constitution.

I understand what happens in terms of a negative resolution, and why the Government would seek to have a negative resolution and not an affirmative resolution when legislation comes to Parliament. A basic example there is, if it wishes to make a simple change to the regulation, it may very well be close to a recess period or something like that, and it is going to pose probably some measure of inconvenience in having to bring such changes on a frequent basis to Parliament. The bottom line is that the Government controls the parliamentary agenda and, therefore, it could easily overcome that particular situation.

On the other hand, when there is a negative resolution, if there is valid reason to object to a change that the Government wants to make in the regulation, because it infringes any one of these things that I have just mentioned, it means that first, the Members of Parliament must be well aware that the regulation has

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been drafted and completed and, therefore, reviewed and then it has to go through the procedure of bringing a Motion. The bottom line there is that the Government controls the parliamentary agenda.

So, I fully understand the need for a government to want to get on with its business, but under our Constitution, the rule of law and Parliament's role in legislation, is a critical component of good governance. When it delegates such powers to the political directorate, it has a duty to ensure that the regulations are consistent with the spirit of the Constitution, as well as the powers given under the particular piece of legislation.

2.30 p.m.

I would hasten to add that, again, because of the immediacy of certain matters, it would be necessary to make changes. Sometimes, there could be vigorous opposition to governments anywhere in the changes they wish to affect. We have seen that quite recently in terms of the President of France and what happened to his popularity. We have seen that with the President of the United States with respect to universal medical coverage. So governance is not an easy process and popularity diminishes very quickly over time. This is why I feel that even though it might have the right, under the delegated legislation, to do certain things, it is always best to listen to collective wisdom and the goodwill that it has, versus the power that is vested in its mandate as a majority.

Democracy, as they say, is a very untidy and unwieldy process, but it is all that we have; it is what we want and it is what is worthy of preservation and enhancing, in keeping with the Government's mandate. If one asks me to give examples, I can cite two. One I recall from last year, and I will not go into details. Both had to do with money bills, because, when a money bill reaches the Senate, there is not much you could do, other than talk about it. One example had to do with the way the whole Property Tax Bill was handled, and we saw the consequences of that, and, in very recent times, we have seen it, and I have to mention, with the senior citizens grant, where you had a specific intent.

That intent was to give vulnerable citizens a minimum income of \$3,000, but the Schedule accompanying that piece of legislation, in fact, in some instances, took that income up to \$4,000. I think it was Sen. Prescott SC, at the committee stage, who asked whether that was in keeping with the Constitution, given the fact that under the Constitution a government has to treat with all citizens equally, and we know that we are dealing with a special group of citizens.

So it is not a question that has ever been answered, in that context, either in the spirit, the reason, the rationale for bringing the legislation or what happened with the Schedule. A critical component of that rationale was, of course, to make a grant into a pension and make it more permanent. The question must be asked whether it is less permanent, because now, at the drop of a hat, the political directorate can, in fact, change that Schedule. So it is in that context I mention that it is not the policy with respect to negative resolution; it is valid and good, because a government has to operate. It is the spirit, the intent, what is behind such delegated legislation and how we treat with it.

Very briefly I will mention the deficiencies with respect to the draughting of bills. I will not go to the parliamentary agenda, because I am sure the Government is addressing that, but a lot of the symptoms that we see, have to do with how we support the draughters and the acquisition and retention of that talent. We have seen the archaic conditions under which they operate. For instance, you have draughters who would be here in Parliament for nine or 10 hours; they are called upon to make split second decisions on the technical aspects of legislation in the committee stage, but if we observe, they have to write on their laps; they do not even have desks. I made an enquiry, because the use of laptops would certainly aid the process, as to why those draughters cannot bring their laptops to the Parliament. I understand that is not allowed; it baffles me, but I imagine there must be a valid reason somewhere for that.

That brings me to the other matter, with respect to legislation, that I touched upon last week. Crime is a very serious matter and the first requirement of a government is to provide security for its citizens, but we get the legislation in bits and pieces. A good example of that is the Evidence (Amdt.) Bill, which we have just wholeheartedly approved. I am just going to mention this for the purpose of giving an example.

Last week I raised the question as to the role of the Children's Authority, when a child is being compromised, abused and has to give evidence. I was told that the Children's Authority would come in at the end of the process. Certainly, it is a matter that concerns me, because a child having to give evidence in such a situation, who has already been abused, that child's life may now be at risk, and we have an important instrument such as the Children's Authority. The reason it is important to see the whole, is that, one could get an idea, in a situation like that, how the role of that very police officer would interact with the Children's Authority. We see what is happening with our children.

I decided to check into the status of legislation with respect to children. We have the Children's Authority Act, 2000, which was amended by Act No. 8 of 2003, and is partially proclaimed; the Children's Community Residences, Foster Homes and Nurseries Act, 2000, amended by 2008, enacted but still to be proclaimed. The Adoption of Children's Act is not yet proclaimed. It is pending passage of the amendment Bill and the proclamation of the Children's Authority legislation. The Family Court Bill is awaiting amendment before introduction to Parliament. What is the status of the Children Bill, an important Bill redefining offences against children? I understand that it was once with a joint committee of Parliament. The need to pull all these pieces of legislation together, so we could see the gaps and see what is required in order to protect and bring justice to our children, is of critical importance.

Of course, the Government, on the other hand, mentioned that it was bringing legislation with respect to anticorruption, anti-gang, the private security industry, the Special Anti-Crime Unit of Trinidad and Tobago, small arms, et cetera. I want to repeat and elaborate that the Government would be well served, citizens would be well served and this Parliament would be strengthened if the Government could establish a White Paper, after reviewing these critical pieces of legislation which need to be amended, the new legislation that ought to be put on the table, including a review of the sentencing framework.

In the United Kingdom, a similar exercise was done; I think it was in 2000 and 2005. That White Paper established and clustered various pieces of legislation, such as anti-crime legislation. We were just speaking of the securities industry, anti-corruption, children's legislation, and so forth; this White Paper contained a rationale for each piece of legislation. So when the legislation came to Parliament, parliamentarians were in a position to connect the dots and see the relationship between each piece of legislation. This lends itself to a great deal of efficiency and effectiveness of the Parliament. This is why I urge the Government that this is a very important Motion and, in fact, it supports what the Government wants to do under its pillars.

With respect to committees, I am not going to say much on that, except to repeat, I think it was Sen. Beckles-Robinson who mentioned it, that there was a Joint Select Committee on banking, finance and estimates. The only point I want to make here is that the time is more than overdue for legislation governing the insurance industry, governing credit unions and the securities industry. We have

seen and we are living the consequences of such a gap; so, again, we speak to the efficiency and effectiveness of Parliament. We need to make a decision on what the priorities are in terms of legislation.

With respect to the resources of Parliament, that has gone to a committee. I would only touch on two things there. Yes, I think that e-Parliament would support in terms of getting rid of all the paper and boxes all over the place. Of course, technology throws out its own issues and problems. There is a committee looking at that. I want to make one comment on that. It was my fellow Senator who made reference to the fact that moving Parliament from the Red House may very well be a matter of sentimentality. I do not think that is the case. Any critical instrument that is symbolical of our democracy, that is symbolical of stability, freedom, our history, what shaped us, is not a question of being sentimental. I think it is much deeper than that.

A suggestion could be to move the non-core services. Parliament has a major role, so you could move all non-core services. Yes, you bring in the technology, and we may very well have very bright local architects who could come up with a plan and we might have more space than we need in the medium to longer term. I advocate that this Red House is more than just of sentimental value.

In closing, Mr. President, I fully support this Motion. I agree that there needs to be a joint select committee. There are too many important matters to be fleshed out and, I repeat, it will be in support of the Government's mandate.

With that, I thank you.

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Fazal Karim): Mr. President, given that this is the first time I am speaking, since your return, permit me to welcome you back to the Chair. [*Laughter*] It is a little while since you have come back, but I think I needed to pay respect to the Chair, and also to congratulate Sen. Oudit for an excellent job during your absence.

I also applaud Sen. Prof. Ramkhelawan for raising the important issues concerning the efficient and effective functioning of our Parliament and, by extension, our very democracy, which is the cornerstone of national existence and progress. He did this in his Private Members Motion, which was introduced on August 03, 2010, when he asked this honourable House to consider taking the necessary action, within its control, to maximize its efficiency and effectiveness.

Sen. Ramkhelawan is a person who I know has the interest of the country at heart. In fact, we went to the same school, for a number of years, in South. He has been in our Parliament, as an Independent Senator, for a considerable period of time. He is regarded as a veteran in parliamentary practice and procedures. In another environment, Sen. Ramkhelawan would have long been eligible for a pension; not a grant, mind you, but a sizeable pension, for the quality of his most worthy and distinguished contributions in the Senate.

2.45 p.m.

Sen. Ramkhelawan has asked us as a people and as parliamentarians to examine and ultimately improve this very pillar of our democracy, our parliamentary system of governance. Interestingly enough, the theme for the 56th Commonwealth Parliamentary Conference, which was hosted in Nairobi, Kenya in September 2010 was “Parliament and Development in the 21st Century: Thus far and beyond”. At this conference, Dr. William F. Shija, Commonwealth Parliamentary Association Secretary General, put forward the concept of “value for politics” which is relevant to our discussions today. The concept of “value for politics” signifies the “rights of every citizen to a fair share of resources, such as land, housing, water supply, basic education and basic health”.

More importantly, Dr. Shija argued that, and I quote:

“Benchmarks for our Commonwealth Legislatures should in future be measured against these rights and services over and above the established Parliamentary practices required for legislation and oversight functions.”

This implies that our Commonwealth ought to review and reconfigure its modus operandi to ensure a citizen-focused and needs-driven parliamentary systems approach.

Mr. President, this is an audacious statement, but it epitomizes the glaring need for the Commonwealth, and thus Trinidad and Tobago to consider parliamentary reform to serve the people beyond, and I quote “the established Parliamentary practices”.

Sen. Ramkhelawan’s concerns are therefore relevant, important, timely and necessary, and may even transcend our own situation and circumstances here in Trinidad and Tobago.

Before I go into the specifics of the Motion before us today and with your kind indulgence, Mr. President, allow me to provide the framework which will guide this contribution. I refer distinguished colleagues generally to the manifesto

of the People's Partnership Government; and specifically, as Sen. Drayton indicated when she referred to the manifesto to the chapter entitled: "Good Governance through effective representation, Transparency and Accountability". That is a document worthy of a country that aspires to become, despite years of mismanagement, a truly 21st Century one where—

Sen. Beckles-Robinson: [*Interruption*] [*Laughter*]

Sen. F. Karim: —“every gender, creed and race find an equal place” and—may I add, I am sure to the delight of my colleague, Sen. Penelope Beckles-Robinson—where God's blessings of this country will be made manifest.

Under the heading “Constitutional Reform”, I quote from pages 15 and 16 of the manifesto of the People's Partnership:

“Our Government will table amendments to provide for and/or strengthen provisions for the following...:

- A right of recall for non-performing parliamentary representatives”. That is way ahead of our time, as my colleague, Minister George, will say—and a provision which will enhance our democracy through its stringent requirement for parliamentarians to perform.
- Our manifesto also calls for “Mechanisms for a referendum process”. Let the people decide on important issues which affect them, because we on this side believe in a parliamentary and participatory democracy. We are fully cognizant of the fundamental right of our citizens to freedom of thought and expression as enshrined in our Constitution. We therefore, listen to the views of all our citizens. We believe in the equality of all the citizens. We have faith in their capacity to make excellent choices.
- “Limiting the Prime Minister to two successive terms as Head of Government.” This governance principle is important to what we are discussing today—the efficiency and effectiveness of Parliament. It means that the stultifying growth of arrogance, which comes with unlimited terms of office by previous Prime Ministers, has been the single most undemocratic feature of Trinidad and Tobago's history. It can be argued that what we had in the past was not “*primus inter pares*”, but constitutionally approved Prime Ministerial dictatorship. [*Desk thumping*] This feature of term limits, tells us that we will not have the crippling cancer destroying the fabric of our democracy. This is the visionary leadership of our beloved Prime Minister, Mrs. Kamla Persad-Bissessar.

- Our manifesto also calls for the establishment of “Rules governing the conduct of the Government”. Checks and balances to prevent the abuse of power, and finally the respect for the voice of minorities, while acknowledging the will of the majority which Sen. Ramgoolam, would have alluded to in some detail.

That, Mr. President, says it all, that parliamentary democracy, its effectiveness and efficiency, will be enhanced if and when we adopt the principles outlined in the manifesto of the People's Partnership Government. In fact, the Edinburgh Plan of Action developed for the Commonwealth in 2007 referred to a host of guiding principles and associated actions for the three branches of Government, and it paralleled the principles outlined in the manifesto. On the issue of good governance and accountability the Commonwealth principle states that, and I quote:

“Parliaments and Governments should maintain high standards of accountability, transparency and responsibility in the conduct of all business.”

So, in that context we have our own framework available to us, which is benchmarked to Commonwealth standards.

My intention is not to belabour the point, rather to give credence to the principles outlined in the People's Partnership manifesto, and so I would like to quote Dr. The Hon. Ralph Gonsalves, Prime Minister of St. Vincent and the Grenadines as follows:

The Constitutional amendments proposed in the People's Partnership manifesto are very creative ways of dealing with the challenges experienced by our Caricom colleagues. After all, we have similar histories, cultures and governance challenges and by and large we have inherited more or less the same constitutional and Parliamentary arrangements. They have noted weaknesses in their constitutional and Parliamentary arrangements which they are seeking to address.

In recognition of the fact that the manifesto represents a commitment by the People's Partnership Government, let us for a moment, examine the Bill before us and specifically Sen. Ramkhelawan's profound concerns in some detail. My contribution today will therefore examine our challenges as they pertain to our parliamentary system, and subsequently prescribe potential solutions to our challenges just as some of my previous colleagues would have done in splendid and in exemplary fashion.

Sen. Ramkhelawan, in his August 03, 2010 presentation, in which he raised a Private Motion with the aim of evaluating and subsequently enhancing the efficiency and effectiveness of Parliament, indicated that he was, and I quote:

“...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.”

Sen. Ramkhelawan, further articulated that Parliament has three major roles:

1. Legislative;
2. Representative; and
3. Scrutinizing and watchdog role.

Around these roles he rhetorically raised the question, through various examples, of whether Parliament was functioning efficiently and/or effectively. He felt that there were several areas that needed to be evaluated and subsequently strengthened.

Mr. President, much like my colleagues who spoke on this Motion, I too, borrowed from management theory, through the application of the Ishikawa model more commonly known as the cause-effect-diagramme, which was conceptualized in the 1960s for quality control in the Kawasaki shipyards. In many instances we can easily pinpoint the symptoms, but rooting out the causes are usually a painstaking process.

Mr. President, I am toeing the line of being “behaviourally inept”, as so eloquently put by Sen. Ramkhelawan, but it is towards a meaningful end. So I beg your forgiveness. Not that I am proposing that the end justifies the means either, or our deficiencies have manifested in them the following:

1. The inordinate delays in the delivery of enabling legislation to the citizens of this country who are the ultimate beneficiaries of our democratic process;
2. An unknowing population vis-a-vis the Government's legislative agenda;

We just heard some comments in that regard from Sen. Drayton.

3. The inadequate oversight over the Executive;
4. Ambiguity regarding Executive decisions as a result of perpetual deferrals and in some cases non-responses to queries raised in this honourable House which are of public interest to ensure transparency and accountability in our system, and the list goes on.

These are some of the issues cited by my previous colleagues in some form or fashion and I am merely here repackaging some of them to represent the effects of a sometimes described, substandard or imperfect parliamentary system. I now draw your attention to the causes of these effects which I have grouped into three distinct yet interrelated clusters. They include our electoral system, the management structure of the Parliament and the parliamentary operational strategy.

The first cluster examines Trinidad and Tobago's first-past-the-post electoral system, which as we are fully cognizant of, was derived from our English heritage and still exists in approximately 50 per cent of our Caribbean region and has been agreed it is far from perfect. Whilst the advantages of the current system are perceived to outweigh the inherent disadvantages, it is necessary to understand the genesis of our systematic challenges which ultimately impacts upon our parliamentary efficiency and effectiveness.

In May 2009, to be exact, Dr. Gonsalves made a statement on constitutional reform to the Parliament of St. Vincent and the Grenadines. Whilst constitutional reform is in no way the intent of this Motion—and let me repeat that, while constitutional reform is in no way the intent of this Motion—I am aware of it, Dr. Gonsalves flagged characteristic limitations of the governance system in St. Vincent and the Grenadines, which is relevant and noteworthy to us here in Trinidad and Tobago, and to this very Motion here today. I quote:

- “A first past-the-post electoral system which, by itself alone, does not provide a sufficiently fair and democratic representation of voters’ preferences;”

This is one of the points made on that occasion.

3.00 p.m.

Secondly, he said:

- “The absence of any or any proper mechanism for the voters to bring their elected representatives to account during their term of office;”—was another of his concerns—;
- “The highly inadequate and ineffective controls which the legislature exercises over the executive;
- The lack of adequate structures or mechanisms for voters and NGOs to participate actively on an ongoing basis in the governance of the country; and
- The inadequacy of the avenues available to the citizen who suffers from administrative abuses.”

Let me touch briefly on the last point because I will address the others in more detail later on in my contribution. I repeat and I quote, “the inadequacy of the avenues available to the citizen who suffers from administrative abuses.” That is why, Mr. President and hon. Senators, our Prime Minister in her wisdom has established the Ministry of the People to assist citizens in dealing with the many challenges they face, some of which have to do with the lack of service from various government departments prior to now. This is a Caribbean problem and it has been addressed by a very unique and innovative People's Partnership solution, the Ministry of the People and Social Development.

I now revert to the discussion of the cluster of causal problems associated with the electoral system. Outside of constitutional reform and for which our Prime Minister has already indicated it is a matter for the people to decide through referendum, I would like to propose that we really engage in some introspection as Sen. Baptiste-Mc Knight suggested. According to Duverger's law—a principle grounded in political science and I am certain much to the delight of Sen. Deyalsingh—the first-past-the-post system typically involves and evolves into a two-party system over time therefore making it probabilistic that a single party would hold a majority of legislative seats. Our not too distant history has validated such a claim. However, what is of utmost significance is that the citizens of this country regardless of whatever political affiliations they may have, or preferences, should be equally represented in the Parliament of Trinidad and Tobago. So the question begs as to how can Parliament ensure that every citizen of this country is represented based on his or her inalienable rights?

The United Kingdom has 650 constituencies; Canada has 301 “ridings”; New Zealand has 70 “electorates” and the Maldives which gained worldwide repute for its Cabinet meeting held 20 feet underwater, has 184 constituencies. So how do these countries maintain control, given the expansive range of their constituencies, ridings or electorates that have to be managed? I am of the view that we are very fortunate because we have the privilege of just 41 constituencies and more so because we do not have to conduct any sittings under water, as I am not sure our parliamentarians can all swim.

I would like to suggest some mundane yet potentially impactful initiatives that could be incorporated in the short term to better engage the citizenry through their respective constituencies. The production of periodical newsletters and fax or email communiqués, with the support of dedicated staff, can go a long way if the concerns of constituents are addressed in a timely manner. The Member for Parliament should be in a position to manage remotely but still from time to time

be available for face-to-face interaction, which can be accomplished through town hall meetings or village meetings or community council meetings, to address many concerns in one forum. Separate meetings can also be scheduled with minority groups to ensure that the voices of the minorities are registered and addressed adequately.

Communication by posting contact information of our Members of Parliament on the Parliament's website, which is something I observed on both New Zealand's and the United Kingdom's websites, in my humble view, can go a long way. The inculcation of videoconferencing and other new media strategies, which I will discuss later and which will provide constituents with real-time access to parliamentarians despite geographical barriers, can also go a long way.

In furtherance, these interactions can be monitored and evaluated using performance indicators vis-à-vis quantity, quality, cost and efficiency metrics. In fact, a study was conducted on the electoral context and MP constituency focus in Australia, Canada, Ireland, New Zealand and the United Kingdom by the Government Affairs Institute at Georgetown University in Washington DC in 2007. The study applied some quantitative business models which yielded some interesting findings. One such finding is that, a Single-Member District MP which refers to an MP with "unique responsibility" for a constituency and as distinct from a Multiple-Member District MP, allocates less resources (albeit human, financial and other technological) to the constituency, if the MP holds electoral safety. Conversely, an MP who is more dependent on constituent support as a result of being in a marginal seat would have to devote more time and resources to that particular constituency.

So we have to be conscious of these considerations when attempting to solicit effective representation for our citizens from our MPs. Monitoring and evaluation systems therefore represent an integral part in determining the effectiveness of MPs to positively impact the delivery of goods and services to the people they serve and, by extension, improving the parliamentary process. In this regard, this would facilitate the principle of recalling non-performing parliamentary representatives as expressly stated in the manifesto of the People's Partnership.

The second cluster will review the management structure of Parliament. A decade and two months ago, or put another way, 122 months ago, a "Report of the Joint Select Committee on the Working Paper on the Reform of the Management Structure of the Parliament of the Republic of Trinidad and Tobago" was laid before the House of Representatives. In fact, our Prime Minister sat on that committee that helped to develop the said report but, unfortunately, due to a

change in government at the time, the findings of the report never saw the light of day. This is a prime example of the inordinate delays we are speaking about in our parliamentary system as a result of political football, as the Member of Parliament for Chaguanas West would say. We cannot allow politics to detract us from the delivery of enabling legislation to our citizens and, therefore, we must act with due and unbiased favour.

In this regard, I share the sentiments expressed by Sen. Kevin Ramnarine that an independent authority is necessary to manage the affairs of Parliament. The delinking of the Parliament from the Public Service Commission can facilitate a specialist autonomous environment for the support of the Parliament and its staff. The Parliament staff received tremendous commendations for their dedication and I, too, would like to join with my colleagues in expressing my heartfelt appreciation for the hard work in the past and the hard work that they will continue to do in the future. We congratulate them. [*Desk thumping*]

The notion of a Parliamentary Service, a Parliamentary Service Commission and a Parliamentary Management Board which would ensure the independence of Parliament and therefore emphasize the doctrine of the separation of powers, is still relevant and worthy of contemplation, in my view. However, I would like to personally harp on the issue of the independence of the Parliament to facilitate the effective oversight of the Executive and secondly, to raise the constraints that parliamentarians are challenged by in the fulfilment of their parliamentary obligations.

The first issue requires that we bring before this House a piece or suite of legislation to enact the proposed parliamentary service, parliament service commission and parliamentary management board, of which Sen. Ramnarine indicated, that a Bill may have already been drafted. Nonetheless, this approach is consistent with the “Recommended Benchmarks for Democratic Legislatures”, developed jointly by the Commonwealth Parliamentary Association and the World Bank Institute in 2006. The organization and management section of the benchmark cites that “legislatures should either by legislation or resolution, establish corporate bodies responsible for providing services and funding entitlements for parliamentary purposes and providing for the governance of the parliamentary service.” However, I would like to emphasize the need to safeguard the independence of the Parliament whilst enhancing the administrative capacity of Parliament through these proposed institutions, as Sen. Drayton indicated as well, as articulated by the joint select committee.

So regardless of whatever approach is adopted, we must ensure that the independence of the Legislature is imprinted upon our hearts and our minds. Although not considered by the joint select committee in its deliberations, I will still align the need for the Government and for us on this side, to articulate the legislative agenda in a timely manner to the management structure of Parliament. The Executive must play its part in the drafting of legislation and then establishing the legislative priorities. This in turn will inform the legislative agenda for the entire session of Parliament. I should remind us that Sen. Ramkhelawan was adamant about this point and we need to hold true to the principle of accountability set forth in our manifesto. As mentioned before, we must institutionalize the required checks and balances to avoid the abuse of power.

Let us, for a moment now examine the idea of a legislative agenda. The concept of a throne speech comes from our historic relationship with the English system. In the United Kingdom—and we heard mention of it here today too—the head of state who is the monarchy, goes to Parliament at the beginning of every session after dissolution or prorogation to outline the government's legislative agenda for the forthcoming year.

After the 1970 Black Power upheaval in Trinidad and Tobago, the throne speech fell into disuse. For example, after the 1981 general election, President Ellis Clarke brought greetings instead of a throne speech. Presidents Noor Hassanali, ANR Robinson and His Excellency Professor Max Richards did the same thing. Reference is made about this in an article written by Dr. Hamid Ghany in last Sunday's *Guardian* commentary. It is not an item on the parliamentary agenda and therefore makes it difficult to measure any level of accomplishment by the Government in terms of its legislative agenda.

3.15 p.m.

The importance of a legislative agenda is that it provides a framework for measuring the performance of Government, and this is important for promoting efficiency and effectiveness.

In this context, I support Dr. Ghany's view that due consideration be warranted to mechanisms that will permit the articulation of a legislative agenda at the commencement of each session. This may or may not include the President, who in the context of a republican constitution cannot be compelled to read a “throne speech”. However, formalizing such an agenda will also allow a fixed timetable to be set for Parliament to accommodate scheduled breaks in the Parliament session as is the case in the Westminster system of governance.

Mr. President, the Executive must also account to the public on the concerns and the queries raised in this honourable House. Failure to account in the past—again, we have been reminded about that during these debates—has reduced the credibility of this sacred institution, this very pillar of our democracy and, therefore, we cannot allow such a travesty to continue under this Government.

Mr. President, let us examine the tardiness in responding to questions to Ministers. We all know that Ministers of the last government in their arrogance paid absolutely no attention to their obligation to answer questions. They were dismissive, sometimes contemptuous, arrogant, and clearly believed that there would be no day of reckoning. Day after day, there were citizens who held the view that their Parliament was inefficient in the conduct of its requirements to provide answers to important questions and many of them were also dismayed to find that matters of urgent public concerns were dismissed.

Sen. Ramkhelwan raised the example of the \$45 million scholarship debacle paid out to citizens by the State, and the issues related to soliciting a response. My colleague, Sen. Emmanuel George, also noted that in 2007, 87.5 per cent of the questions raised went unanswered; in 2008, it was a similar figure; and in 2009, he concluded that 85.7 per cent went unanswered. [*Interruption*]

Sen. George: In the month of April of each year.

Sen. The Hon. F. Karim: In the month of April of each year he is telling me. The statistics are clear that the answers are disproportionately lower relative to the questions raised.

A Government that contemptuously refuses to answer questions put to them in Parliament, will feel the might and power of the people, as has been experienced by our colleagues on the opposite side. It is as simple as that. It may be that sanctions should be left in the hands of the voters, but, that is for any committee that is established to look at this Motion.

The specific committee may also wish to address the matter of whether questions unanswered in any one session should be carried into the next session, and whether there is a merit in limiting the number of questions an MP may pose in a session.

The second issue relevant to the management structure of Parliament pertains to the fact that parliamentarians cannot be effective due to their part-time status. We have seen that as an emission in some cases. This is especially so in the case of Senators who may be fully employed elsewhere and may not have the necessary time to take advantage of the enhanced role of committees as proposed

by Sen. Ramkhelawan. In fact, a Public Expenditure and Financial Accountability Study conducted by the European Union delegation to Trinidad and Tobago in 2008, suggested that while Trinidad and Tobago had a strong democratic tradition, its one day a week attendance of Parliament, combined with the fact that the majority of MPs are also Members of the Government constrained the Government's overall public finance management system. In attempting to address the concern of the part-time parliamentarians, I will take a cue from Sen. Ramkhelawan's contribution in terms of the increasing role of parliamentary committees, in shaping legislation and increasing the number of sittings as he had mentioned.

Mr. President, the need for legislation to go before a Senate parliamentary committee prior to being presented on the Senate floor is an excellent idea. The approach in my view is consistent with changes that have taken place elsewhere.

In Canada, for example—and earlier today you mentioned Canada—they have looked at a strengthened policy role for Standing Committees, and an option for committee involvement in drafting legislation or reviewing its basic principles before second reading. This may or may not be possible here. One would not wish that Cabinet's intent is compromised to the extent that what ends up on the Senate floor, in no way resembles the legislative intent of Cabinet, which has ultimate responsibility for determining policy.

Attention, however, also needs to be paid to the significant numbers required for quorums in these committees and the fact that space has to be provided to accommodate the committees given their enhanced role. I think as was said before in another place, we must stop playing musical chairs with the committee rooms. This point was also made by Sen. Beckles-Robinson.

Finally, Mr. President, the financial implication of these recommendations are available and are based on the fact that we have the staff and the capacity to support much needed research—a point made by Sen. Dr. Armstrong—as well as those competent to advise on financial, complex legal matters which we recently experienced in Trinidad and Tobago. We cannot, in my view, increase the powers of parliamentary committees, give them more powers to shape legislation and not provide them with the necessary resources to function effectively. At the very least, consideration should be given to reducing the size of quorums of parliamentary committees and, certainly, in some cases we will want to look at, as I mentioned earlier, increasing the number of sittings.

With respect to the number of sittings, Sen. Ramkhelawan also believed that there were far too few sittings of Parliament in order to effectively enact the waiting list of legislation needed to be addressed.

In the Westminster system, there are sittings Monday through Friday of the Parliament. In that context, the sitting of Parliament links with the need for full-time Members of Parliament who are not Ministers, and especially in the case of Senators who are otherwise employed. This may reduce the number of citizens offering themselves as Senators.

At present, the House of Representatives and the Senate sit alternatively in the same Chamber. Any decision to fast-track the building of a second Chamber dedicated to the work of the Senate to permit the simultaneous and frequent sittings of both the House of Representatives and the Senate may be viewed against the cost of this decision in the context of the present economic conditions facing us. The benefits, however, ought to be looked at as they outweigh the returns on the investment proposed.

The third and final cluster will delve into the operational strategy of Parliament. The current operational strategy is focused on manual inputs and outputs, which as we are fully aware are limited in many respects. We understand that human resources are needed—they are scarce—therefore, technology can act as the plug for that gap. The concept of Information and Communication Technology (ICT) is no longer novel and we need to get on board or suffer the risk of being obsolete.

Mr. President, the microprocessor was just the beginning. The way in which we communicate within Parliament can be optimized in my view. The frequency and real-time responses to our public and our connection to the regional and our global systems of governance can all be positively affected through technology. However, I would also like to compliment Sen. Dr. Balgobin who made the point that while technology can act as an enabler, that not everything can be done as quickly as we would like it to be done.

We must follow the due process, and this is certainly the commitment of the Government, this Government. Senators Deyalsingh and Ramnarine, as well as some of my other colleagues, spoke to the issue of technology, so I will do my best to provide an alternative perspective on this issue of technology.

Mr. President, this issue was examined briefly in the introduction of laptops in the Chamber. However, there needs to be—and again, I am just reiterating in some cases what some of my colleagues may have said previous to now—a clear policy on the issue of technology in Parliament.

At present, there is a Parliament Channel which broadcasts on television and radio. Consideration may be given to the development of official websites for chats and blogs with Members of Parliament. This also has to be approached in the context of the workload I am sure, of existing MPs, some of whom may be Ministers and who have to carry out their duties to their constituents and at the same time serve on various parliamentary committees.

As Minister of Science, Technology and Tertiary Education, a Ministry whose main thrust is cultivating a technologically savvy culture, among things it goes without saying, that a primary area of interest for me is the introduction of technology to improve the efficiency and effectiveness in the deliberation and the delivery of the work of this Parliament.

We live in the age of laptops and smart phones, social networking sites and interactive multimedia platforms. We live in a country where top of the line laptops are currently being distributed to successful SEA Form 1 students, who very soon will be conducting their homework via the Internet in preparation for a world where almost any and everything can be procured and produced in an instant. Mr. President, I ask if a Form 1 classroom can reflect the advanced time we live in, why not this honourable House?

I want to make reference to the National Assembly for Wales in this regard. It is commendable that while each of us has now been given a laptop by the Parliament—and for which we commend the Parliament—the National Assembly for Wales provides us with a working example of how technology can be effectively adopted.

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. F. Al-Rawi*]

Question put and agreed to.

Sen. The Hon. F. Karim: Thank you very much, Mr. President. Thanks very much to my colleagues. I was indicating that while it is commendable for us to be given a laptop, the National Assembly for Wales provides us with the working example of how technology can be effectively adopted in a system such as ours. In the Senate, the debating Chamber, every one of the 60 Members in the Chamber is equipped with a computer and the latest voting technologies. Beyond this, in the bilingual principalities of Wales, Members are furnished with translation facilities, allowing the Assembly to operate bilingually at times.

Mr. President, clearly, we have no need here for such technologies, but the point I am making simply is to illustrate how much technology can accomplish in a forum such as this.

3.30 p.m.

In terms of what can effectively be implemented here in Trinidad and Tobago, however, the Welsh have adopted a network system in which members log in, in order to access all the information required for whatever is being debated on a particular day. The system is referred to as medallion and this acts as a portal for all members of the assembly and through this they are able to store private and public information, share documents, send and receive emails, instant message each other, manage their calendars and even electronically request to be added to the Speaker's list; all of this through computers and shared software.

It is not that we and those watching us at home do not enjoy the occasional theatrics that occur every now and then throughout these walls; but think of how less chaotic it would be if speaking terms were controlled silently and electronically.

To outline the benefits of such a system, I give you a few of those points:

- (1) It would provide high levels of security for Members while offering a fast and easy way to share and access information;
- (2) Instead of disruptive note passing and across-the-floor talk, the instant messaging feature could be utilized for Members to communicate without disrupting the debates;
- (3) A centralized document management system would allow changes to be made to documents, which would immediately update the relevant documents for all Members;
- (4) Members could utilize standard multimedia technology to enhance debates with information being displayed on individual computers; and
- (5) The electronic voting system would be quick, user-friendly and allow parliamentary staff easily to monitor the votes and reduce the time, as we saw a couple minutes ago.

It goes without saying that such changes, big changes, will take some time to get used to. Some of us will require more training than others. Some may be intimidated by the sophisticated machinery, but I say to you, if this is the direction of the Parliament of the 21st Century, why should we, in Trinidad and Tobago, not also get on that path?

Mr. President, I just want to make a brief reference to other examples to show how we can benefit from what has been done elsewhere successfully. I now speak about the e-Parliament and the Africa i-Parliament. In addition to the network that could be set up within this Chamber, I ask you and my colleagues to consider the possibility of linking with other Parliaments in the region as well as the world. Consider, for a moment, the e-Parliament, a joint initiative of the United Nations Department of Economic and Social Affairs and the Inter-Parliamentary Union. Founded in 2006, it was created to unite the inter-parliamentary community by sharing knowledge and ideas through ICT in a quest to strengthen democracy and to foster more receptive citizens.

While we may not be amenable to joining an international system such as this, we should be considering a regional system, certainly within the Caricom region, whereby Parliaments in neighbouring islands, with governments experiencing similar political climates, can connect with each other and possibly assist each other in the introduction of Bills, the creation of legislation and the overall service of the people, a system similar to the one in existence on the African Continent through the i-Parliaments System aimed at promoting parliamentary democracy in Africa.

This network furnishes African Parliaments with a regional and inter-parliamentary approach to issues plaguing the honourable Houses in that region. Despite the many different cultures, traditions and languages that exist on the African Continent, this system has seen the light of day in their country and I ask the question: Why can we not think of a similar system in Trinidad and Tobago?

I have some more to say on different examples of how Parliaments function and how they have become effective and efficient. Before I conclude, I would just like to draw from Mr. Paul Martin, the 21st Prime Minister of Canada, between 2003 and 2006, who developed a plan to reform parliamentary government to eliminate what he called the democratic deficit in that country.

He felt that Canadians had increasing faith in their parliamentary system and that, especially at the federal level, it was not functioning in the interest of most Canadians. This is not to say that we are currently in this condition, but just to learn from the lessons of others. He came up with a six-point plan to improve the performance of the Canadian Parliamentary System. Many of these are relevant to our own circumstances for which the plan details—and I quote a few of the points:

- (1) Enhancing the powers of parliamentary oversight committees so that they could more effectively shape legislation;

- (2) Increasing the capacity of individual MPs to introduce Private Members' Bills by overhauling the system under which Private Members' Bills operate;
- (3) He suggested that standing committees of the Lower House should be reviewed to increase their autonomy and independence;
- (4) He felt that, like the US system, Parliament should exercise some oversight over selected senior government appointments. He, however, warned against the extreme and polarizing partisanship which has occurred in the exercise in the US of this congressional and Senate power.

Parliament may wish to establish a vehicle to flesh out these and other suggestions as well as areas of concern flagged previously. This could be, again I reiterate, on the basis of a joint select committee proposed for the modernization of the operations of the Parliament. The committee would thus be responsible for producing plans for and spurring action towards raising the profile of achieving a modern, 21st Century, efficient and effective Parliament for the people of Trinidad and Tobago.

In so doing, the casualties of our parliamentary deficiencies will be addressed and will ultimately mitigate the effects that we as a people experience. We will improve the very pillar of our democracy. The citizens of this country can rise each day with the comfort that their just and due rights, as referenced by Sen. Ramkhelawan, are well intact.

Mr. President, it is my hope that the contributions of my distinguished colleagues on all sides of this honourable Senate will impact on the quality of service delivery through a more efficient and effective Parliament and one that will significantly improve governance, responsibility, accountability and transparency and for the future well-being of all the citizens of Trinidad and Tobago.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I seek the leave of this Senate to refer to an earlier announcement which had been suspended. I indicated that we had received correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D. to Mr. Shane Mohammed:

Senator's Appointment
[MR. PRESIDENT]

Tuesday, October 26, 2010

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. SHANE MOHAMMED

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

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, SHANE MOHAMMED, to be temporarily a member of the Senate, with effect from 26th October, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator Anand Ramlogan.

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 20th day of
October, 2010.”

OATH OF ALLEGIANCE

Senator Shane Mohammed took and subscribed the Oath of Allegiance as required by law.

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

Sen. Elton Prescott, SC: Thank you very much, Mr. President for this opportunity to contribute to the debate on this Motion by my colleague and friend, Sen, Subhas Ramkhelawan. The trouble about coming in at this very late stage is that you have heard all the valuable contributions of the other Senators, but there are always bits and pieces that may have been left unattended.

I propose to support the Motion, but language, for all its discipline of syntax, grammar and interpretation, could be a very unruly horse and I should not like it to be said that I agree fully with the Preamble. I start there, therefore. Mr. President, in the Preamble, we find the following:

“*Whereas* Parliament is the arm of 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 the citizens;”

I observe that what may have occupied the mind of the drafter of the Motion is the view that Parliament is indeed a tool of the Cabinet and, if that were so, that would certainly be a misinterpretation of what the Constitution provides.

To suggest that we give effect to the policy initiatives of the Executive without more, would be to leave that impression in people's minds, so I invite the attention of the Senate and those listening to what the Constitution actually provides. At section 75(1), it says that:

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

It is that aspect of the provision on which I would like to focus; that the collective responsibility of the Cabinet is to the Parliament and not the other way around.

3.45 p.m.

Even when the Parliament embarks upon giving effect to policy initiatives of the Executive, through enabling legislation, the Parliament is not—*[Interruption]*

Sen. Ramkhelawan: Would you give way? I thank my learned colleague for giving way. I certainly want to clarify that, in the preamble, it was very clear that Parliament, as an arm of the State, is not a tool of the Executive. I think, during my presentation, I made it very clear that there were three separate and distinct arms of the State: the Executive, the Judiciary and the Parliament. I do not want it to be misinterpreted. It is quite clear to me, and certainly to my learned colleagues in this Senate, that the Cabinet, which is a representation of the Executive, is accountable to the Parliament. I want to make it very clear that these are separate and distinct arms. I think, in my presentation, I referred to them as a three-legged stool: the Parliament, the Judiciary and the Executive taken together. I would like to clarify to my learned friend, that is not the intent and it is certainly not what is set out in the Motion.

Sen. E. Prescott SC: Thank you very much for the clarification. It means that we are all now enlightened, and we are still speaking from the same page, about what the role of the Parliament is.

It leads us, therefore, naturally, to the suggestion that I would have wanted to make in the fullness of time; that it, therefore, ought not to be made to appear that we react to the strivings of the Cabinet; that the Cabinet does not come to the Parliament merely to have its work endorsed, but it comes to us by way of accounting. Accounting, in my view, would be reporting to the Parliament of work being done by the Cabinet on behalf of the citizenry in general. Although the Constitution contemplates and, indeed, sets out that the direction and control of the Government of Trinidad and Tobago are in their hands, the way section 75 is structured, it suggests that it requires the endorsement and the overarching responsibility of the Parliament before we can say that Cabinet has acted in our best interest.

Looked at from that point of view, therefore, I should like to address one of the things that struck me early in the Parliament. It appears that such a great power has been put into the hands of the Leader of Government Business in the House, the business that we do here appears to be managed by that side. I do not know that it was necessarily intended, since the accounting is to be made to Parliament, that we are always to respond to the wishes of the Leader of Government Business. Such matters as to when we should adjourn, or which matters should have pre-eminence, may not always be within the gift of the Leader of Government Business. If there is going to be efficiency in the Parliament, my recommendation would be that we ought to be advised long in advance of what is the legislative agenda of the Government, and, unless there is some overabundant reason for altering the priority listing that the Government wishes us to follow, then we ought to follow them religiously.

Granted that there would be occasions when emergency matters may arise requiring this Parliament to divert from its initial agenda, it ought to be clear to all and sundry that the Parliament conducts its business as the arm to which Cabinet accounts. Once Cabinet has provided us with its policy initiatives, the agenda for pursuing those initiatives remains entirely in the control of the Parliament.

As an observer myself, I have noted that what we have been getting is Thursday evenings on television, are sound bytes about things that have happened, things that have been discussed by the Cabinet, or things that have not come to the Parliament, which the population—and they must be forgiven for doing it—accepts as being the business of Government. They report to the population. I do not recall how it is described on television, the thing that occurs on Thursdays. The post-Cabinet consultations or discussions with the media have become, it appears, the tool by which the Cabinet determines what policy is and

then it is imparted to the population. If, indeed, we continue at that rate, then the effectiveness of Parliament would have already been dwindled by the time we get around to hearing, in the Parliament, what the Cabinet really intends. My thinking is, for us to uphold the constitutional principle and to abide by the constitutional provisions, we must look again at whether Cabinet can and ought to feel free to go to the population with policy matters, before the Parliament is advised of it, or before there is an accounting to the Parliament.

May I just move on to the next point, if it pleases you? Senators have already spoken on it, but there are many occasions in the Parliament, I speak of both Houses, when questions to Ministers have gone unanswered. Granted that Ministers do have busy portfolios, and granted that there may be good strategy in determining when some bit of information should come to the population, I am urging that that liberty ought not to be extended to the Cabinet to the extent that they may choose when the Parliament should be advised of activities that are taking place within the Government Ministries and when policy initiatives are being determined. There is no reason, having regard to the interpretation I gave of section 75 of the Constitution, that accounting should not impose on the Government, time limits within which answers should be given, or at least essayed. If you do not have the full answer today, then presumably a partial answer can suffice, but some effort should be made within a fixed time frame for responses to questions; what is raised in Parliament about policy initiatives of the Government.

I move on to the next observation that I have, if we are to achieve efficiency. For all its freedoms, there seems to be a need to consider whether we could not limit the jousting that occurs in the Parliament. Granted that this is Trinidad and Tobago and we are "ol' talk" champions and "picong" is almost part of the lexicon of the country, there is some jousting that goes on that, oftentimes, is unrelated to the topic on the agenda. It is more related to what transpires on the campaign trail in the heat of the elections, or the pre-election atmosphere.

Permit me to say, I translate independence in the Parliament as permitting me to say boldly that, really, sometimes, it is unbecoming what we hear transpiring from opposing sides, when, indeed, we should all be focused on the topic that has been placed on the agenda. I should like to put it in the context of achieving efficiency, by reducing the time spent on the irrelevancies when addressing the Chair in the Parliament.

The delay that that and the other things I have pointed out occasioned can be managed. Managed delay contributes to efficiency. If we are going to have delays, we ought to know in advance why this has arisen and how best we can

manage it, for the benefit of those who hear us, both in and out of the Parliament. I would urge that we, under your Presidency, of course, can so manage what transpires that delays are reduced considerably. The Parliament would not be any the less boring if Members were required to focus on the topic which has been placed before them for debate.

There are two other matters that are of concern. In his introductory remarks on the Motion, Sen. Ramkhelawan suggested that we may want to have specialist advisors to the Department of Parliament. I am supportive of that suggestion because it would enable some of our colleague Senators, those who have papers to read, instead to pass them on as texts to the specialist advisors and reduce the speaking time considerably. It does not seem to be what Parliament intended; that papers should be read.

Mr. President, you have written to us on October 07, 2010 and recommended in the most diplomatic of language that we should, by now, have become sufficiently familiar with the material which we present and that, barring the need of speaking notes from time to time, one should flow and become engaged in the debates rather than the speeches. Either by extending Standing Order 32(6) or by the introduction of specialist advisors, we can persuade those who have papers to pass them to the specialist advisors, so that they may be addressed and what is of substance taken into account and reduced into some kind of material that other parliamentarians can have access to, analyze and critique as they see fit.

Mr. President, I wish only to make one further contribution on this matter. There is in the Constitution, as you would know, a provision for an Ombudsman, which could be found at sections 93 and 94. The Office of the Ombudsman is created, so that the Ombudsman is an officer of the Parliament. Among the things that the Ombudsman is expected to do, is, investigate matters that may have caused injustice to any member of the public. In section 93(2)(b) it is said that the Ombudsman shall investigate any such matter in the following circumstances—that is a matter of inefficiency on the part of the Ministers or departments—failures in the administrative functions. One of the circumstances is where a Member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice.

It may stretch the language for the time being, but, it is clear that the Motion upon which we have embarked often straddles the need for constitutional reform. I am hoping that, by my intervention, some consideration could be given to the Ombudsman's function being so interpreted, that where a member of the public,

who does not have a voice in the Parliament, may have sustained, or is fearful that he or she has sustained, some injustice, a Member of the House of Representatives could take it upon himself to apply section 93(2) and bring to the Ombudsman's attention that some injustice has occurred in the Parliament; it having fallen from the lips of a Member of one of its Houses.

4.00 p.m.

Indeed, section 93(2) should be amended to say that a Member of the Parliament could request the Ombudsman to conduct such an investigation. These occasions of injustice are very rare, but when they do occur everyone steps back in alarm that it could happen under what we call the cover of Parliament.

I am hoping that the day will come when we sit to do the reform of the Constitution, that we will look closely at the value of such an intervention in the Constitution; such a revision of the Constitution, that it permits those who may suffer injustice by reason of contributions made in the Parliament to have access to the Ombudsman through the intervention of another Member of this House.

Mr. President, I started off by pointing to the need for the legislative agenda to be known to the Parliament before we commence the business of the Parliament or very early in the life of the Parliament. I am contending that that is one of the strongest ways to ensure that we achieve efficiency in the business of the Parliament, and it is one of the most substantial and more valuable ways by which we can ensure that the accounting which the Constitution requires is observed and becomes reflective of what we do in this Parliament.

And so, Mr. President, I end where I began by saying it should be our focus that the Cabinet be required to account to the Parliament and account in its fullest sense. Given that there are matters of national security, et cetera, that may not necessarily come to the public ear at the time they arise, but there will be need to consider, that if there is going to be an accounting, that must be by way of a report for the Parliament to sit and consider and provide either an endorsement or a critique of it.

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

Sen. Shamfa Cudjoe: Mr. President, thank you. Today, I am pleased to join this debate on the effectiveness and the efficiency of Parliament, a Motion that was piloted by Sen. Subhas Ramkhelawan. Before I proceed, allow me to extend my sympathy to members of the Millette family, friends and well-wishers.

I would also like to send my condolences to the family, relatives, friends and supporters of the late Prime Minister of Barbados, David Thompson. My heart goes out to those people in Barbados who now mourn their Prime Minister. I remember being in Barbados in 2008 when Mr. David Thompson won the Prime Minister's office. I remember following the campaign, going to the fetes and joining in the victory motorcade with my friends from Barbados. He was a great son of the soil; he championed youth leadership and, I think, he was a great leader to Barbados and to the Caribbean. So I want to extend my sympathy.

At this time, I want to join my colleagues in supporting this Motion. I think it is very relevant and very timely. The Senators on the Government Bench, the Independent Bench and my colleagues here on the Opposition Bench have already gone into details with respect to a wide variety of issues that speak to the Motion, so I am going to try my best not to repeat or not to readdress these issues. I just want to add my two cents to the things that seek my interest.

I think this Motion spans a multiplicity of issues from the parliamentary staff to the infrastructure—the building of the Red House—parliamentary procedures and, I think last but, not least, parliamentarians. I must commend the parliamentary staff even though it was done so many times by other presenters. [*Desk thumping*] I think they are very hard-working and a very diligent committed team that we have here. They do a marvelous job. I think if a day like today they were supposed to join with the members of the PSA and strike or stand out, and we would not have been standing here today giving our contributions or doing anything like that. So, I commend the parliamentary staff. [*Desk thumping*]

Hon. Senators: Yeah, yeah. [*Desk thumping*]

Sen. S. Cudjoe: I hope that we do all within our power to ensure that they are well compensated; they have the resources that they need; and they are able to contribute to enhancing the effectiveness of Parliament.

I want to also touch on the structure, the Red House. Many Senators have spoken about it before, and I want to join them in saying that we need to assess whether or not this building is doing what it was designed for. We have two houses: the Lower House and the Upper House, and we are meeting in the same Chamber, which means that we cannot meet on the same day. Even as it relates to the rooms for committee meetings, we have three rooms and we have so many committees. So, I think, it impacts on our ability to deal with the country's issues in a more timely manner to pass legislation and to conduct our business more expeditiously.

As I continue to deal with the building itself, the Red House, the structure, I want to look at accessibility as it relates to universal design. Last week, I was reading on the Internet about a parliamentarian in Southern Australia. She is 21 years old, and she is the youngest parliamentarian of the Southern Australian Parliament, but she has cerebral palsy, and she is confined to a wheelchair. It was interesting to know that Australia has the amenities to cater to disabled persons, from the ramps outside the Parliament, the rails inside the Parliament, and they even built a special desk for disabled persons. I was thinking that disabled persons in Tobago—I should say differently-abled persons in Trinidad and Tobago, may not even entertain the thought of running for Parliament or running for government office because the building, the amenities and the structure do not allow for that.

At the first sitting of the Tenth Parliament, when we were sworn in, I remember a disabled person having to be lifted by police officers—a former minister having to be lifted into the Parliament Chamber. I understand that there were times before where the stronger members of the parliamentary staff had to lift people into the Chamber. I think this is something that we really need to work on. I hope that the builders and contractors everywhere are considering building with universal design in mind, so that everybody could have access to these facilities.

The next matter I want to touch—I was a participant in the Commonwealth Parliamentary Association Conference that was held here in Trinidad in July. Prior to the official part of the event we had a session for women. We came in about three or four days earlier and the women parliamentarians got together and discussed different issues that were pertinent to women in Parliament, and we were looking at ways to get more young persons more involved and young women more involved in politics and in Parliament. Sen. Dr. Alison Plummer from St. Lucia made the point that one of the reasons that young women hesitate or pull back from seeking a life in politics is that at that point in time of their life they are interested in having a family and maintaining a family and the conditions in Parliament do not allow for that.

For instance, I heard the Minister of Labour and Small and Micro Enterprise Development in the House and even last week, Sen. The Hon. Mary King, speaking about maternity leave and paternity leave. The only public servants in this country that do not have access to maternity and paternity leave are parliamentarians. So, quite often we make legislation to help others and we forget ourselves.

This is the International Year of the Youth, and the United Nations is looking at getting young persons more involved in government and in decision-making, and if we are interested in attracting more young persons and young women to our fold, this is something which we must consider. [*Desk thumping*]

Quite recently, I understand in our Parliament there were Members who became pregnant while in office and they had to apply for sick leave. Mr. President, being pregnant is not a sickness and we should not treat it as such. [*Desk thumping*] We need to create the conditions and the legislation. [*Desk thumping*] We have more women coming into leadership and taking leadership in their parties. We have our hon. Prime Minister and we recently had Miss Hulsie Bhaggan vying for leadership of the COP. Throughout the whole Caribbean, we have women stepping up and doing their thing in politics. [*Desk thumping*] We have to create mechanisms to get them involved and to get them to perform, because having a youth voice and having a female voice contribute to making us more effective as a Parliament as it speaks to young people and young women. [*Desk thumping*]

I want to also look at having some sort of nursery—I think it is called a crèche—for female parliamentarians, and even for the members of staff who work these very long hours. I wonder where do they keep their kids. What happens to their children while they are working these long hours?

I remember while working at the IDB and at the OAS in Washington DC, I would walk past the World Bank, and there is this huge floor which is a nursery that caters to all the employees of international organizations within that area. I think that is something that we could look at. [*Desk thumping*] I read about a minister in the Italian Parliament who one day just got fed up and strapped her baby on and went to Parliament with her baby. She said it was not a political move and she was not trying to make a statement or anything like that, but it was just maternal instinct that caused her to do that. So we need to consider these things if we are serious about getting young women more involved and young persons more involved. She was 35 years old, and that is very young for a parliamentarian. It is said politics is a man's game, but I want to say that women are interested too—politics is something for the old people, I want to say young persons are quite interested too, and we are in here doing nothing—Sen. Mohammed, Stacy Roopnarine—the young people are doing their thing. [*Desk thumping*]

I want to join Sen. Fazal Karim and some of the other Senators who would have mentioned using technology to help us to improve our effectiveness in Parliament.

One thing that stood out to me is that we were given these laptops and they are very fast. We have a very large memory space and the software is impeccable. I still wonder, why do we receive these huge packages every week of all these reports and books? I wonder if there is a way that we could save money on postage, and even time and have these documents sent to us via soft copy. This is particularly important for me as a Tobagonian parliamentarian, and I will tell you why.

4.15 p.m.

When my colleagues from Trinidad would have received their Order Papers and supporting documents, probably by Wednesday or Thursday, I receive mine on Monday, for Tuesday. Sometimes I do not get them until afterwards. My mother would call to tell me, “Hey, you have a document” and I am already in Trinidad for the sitting. It is a big disadvantage. We could find a way to get the packages to Tobago faster or we could do a better thing and send these documents electronically. They would be easier to read, easier to store, easier for us to access, easier for us to retrieve, even easier for us to share.

I know sometimes Sen. Beckles-Robinson would receive documents and I would call her and ask, “What is in them?”, and we would go through the documents on the phone, and I do not have them in my hand. If we had a soft copy, she could have simply emailed it to me. I think we need to do a better job as it relates to using technology. Hopefully, from that baby step, we could move on to bigger things, like what Sen. Karim mentioned about e-Parliament. I may not have to come from Tobago; we could use technology to meet.

I go now to this whole concern of receiving the documents too late. In Tobago, it is just one of the disadvantages we experience as parliamentarians. I will enlighten you as to some other challenges that we face. We need to re-examine the way in which we address accommodation issues for the Tobago Senators and parliamentarians. [*Desk thumping*] This might even extend to the parliamentarians who come from deep South.

The commute itself affects our ability to perform effectively as parliamentarians, because the travelling back and forth and to and from Trinidad takes a toll on you. While our friends in Trinidad are getting ready for Parliament in the morning, probably doing some more reading or meeting with somebody who would be able to add value to their research, we are up early, getting ready to travel to the airport, getting ready for the commute to get here, which may take three, four, five or six hours, depending on the situation at the airport, depending on traffic and depending on the taxi situation.

It is not just about a flight being late; sometimes Caribbean Airlines would go as far as to delay or even cancel flights. Sometimes they would simply have technical difficulties and you just cannot fly. Some of the Members of Parliament would have been here during the Eighth Parliament, when former Sen. Rawle Titus was the Vice-President of the Senate and you had Dr. E. Mc Kenzie. There was one sitting when Caribbean Airlines had shut down and Parliament had to send a helicopter to Tobago to bring Sen. Titus and Dr. Mc Kenzie to Trinidad. It was their first time travelling by helicopter. The helicopter came to Tobago, brought them to the Queen's Park Savannah and then they got into a vehicle to come to Parliament. Sen. Titus was sitting in for the President at that time, so he had to preside over the sitting and no other arrangements were made. Yet you are expected to come here, perform and be attentive, to listen and be ready to respond, ready to jump in. So it is a major disadvantage.

There is no accommodation arrangement for us to come to Trinidad, probably the day before, to do research and to access the wide variety of resources at the parliament library or to meet with somebody, some stakeholder or individual who might be able to add some value to our contribution. We could probably do what Sen. Dr. Wheeler did the last time he contributed; he took the first flight down to Trinidad.

When you take the first flight around six something in the morning, you get to Trinidad roughly after 7 o'clock. You come down to Port of Spain and hang around outside the Red House until 8 o'clock when the library opens. You come in here, you do your research and then you are expected to remember what you have researched to get ready to debate in the afternoon. Even while you are debating here, you are looking at the clock; you are checking your time, because you do not want to miss that last flight. If you do not leave here by 6.30, then you are not going to get there on time to get the last flight, which is at 8.15, and you have to get there on time to check in, and things of that nature.

I remember one time leaving here after 6.30—and I hope I do not get this guy into trouble, I will not say his name—but one of the drivers from the Parliament took me to the airport and we were speeding. I really hoped that he was going within the speed limit, but I was concerned, so I just held on to my seat and prayed. You just cannot predict; you cannot anticipate what would happen on the day. You cannot predict when we are going to end.

I remember, quite recently, we left here too late and I missed my flight. I did not bring an overnight bag, no toothbrush, nothing; you are just here; you are stranded. Sometimes you go up to the airport and Caribbean Airlines would have

delayed the flights until 11 o'clock or cancelled, and, at that time, you cannot call anybody. By the time you get to the airport, you cannot call anybody at the Parliament, because people are probably already on their way home. What do you do then? You would also have missed your qualification to go to a hotel, so then there is nobody to call, you are stranded.

Mr. President, I think we need to be more sensitive to the Tobago parliamentarians. I understand that, at one time, there was the provision to come the day before, but I do not know what has happened since. I want us to revisit that and be a little more sensitive. I know of Tobagonian parliamentarians who were bashed for reading and sleeping in Parliament, but sometimes, depending on your situation, it takes a toll on your body. You leave Tobago in the morning, you come here and do research and then you are expected to sit here for five, six, seven hours of debate, and you are expected to be alert and ready to jump in. Depending on who it is and their situation, it may not be fair. It is something we need to take into consideration, especially as it relates to research.

All this has an impact on the effectiveness of a Parliament. Our effectiveness as a Parliament also depends on the ability of the parliamentarians to do their jobs to the best of their ability. [*Desk thumping*] We need to take that into consideration.

Mr. President, I think there are three kinds of representation that are important to Tobago as it relates to Parliament. They would be: party representation, the Tobagonian representation and the representation of the Tobago House of Assembly. At the end of the day, we must ensure that these three kinds of representation are reflected, both in the Upper and Lower Houses. Most of the time it falls on the MP to properly represent those three factors in order to make Parliament more effective in serving Tobagonians.

In the Lower House, you have two seats that are guaranteed to Tobagonians. So you know Tobago is going to get a spot. I think the intention of having those two seats was, one, to speak to party representation and Tobago representation, but there still lies the question of Assembly representation.

We hope that the persons in those seats would represent the position of the Assembly, but sometimes they simply do not have the Assembly's interest at heart. So the whole question of the Tobago House of Assembly representation, within the walls of this Parliament, is very important. It impacts on this Parliament's ability to effectively represent Tobago and Tobago people's interest.

Tobago representation in the Upper House is based simply on goodwill, trust and discretion. I feel like these three characteristics are slowly losing ground in today's political environment. So as a Tobagonian you sit by and hope that the President would choose an Independent Senator from Tobago, and, if he does not, there is nothing you could do about it because the Constitution does not say he has to.

You also hope that the political parties, both the Opposition and the Government, depending on the rules and regulations in their party, choose a Tobago Senator. So we are here, sitting around waiting on goodwill, discretion and trust. We all could testify that in the commercial world, in the business world and in politics, these characteristics are losing ground. We need to ensure some sort of guarantee, some sort of predictability, in managing Tobago's business and ensuring that Tobago is taken care of, both in the Lower House and the Upper House. Tobagonians feel very sensitive about this because so much of our business, so much of the rules and regulations that apply to our interaction, collaboration and communication, depend on goodwill, trust and discretion.

For instance, we have some provisions in the Constitution, in the THA Act, that are simply left up to goodwill. Who says whether or not a Tobagonian has to be selected for a state board, let us say? There is no regulation to govern that, except for one state board that has to do with something legal, but, apart from that, Tobagonians do not have to be there. There is nothing to take care of that. We need more predictability in handling our business. These things would come up in the whole process of constitutional reform, but while we are waiting on that and while we are working on that, there are baby steps that we could probably take to treat with Tobago issues.

I was thinking of introducing a heading on the Order Paper, an item on the agenda which would say, "Tobago Matters", [*Desk thumping*] both in the Lower and Upper Houses. It was just an idea. Sometimes the topic of the Motion or the Bill does not allow the latitude for us to bring to the fore the issues that are important to Tobago at that specific time. Sometimes we have to wait on the Appropriation Bill, that gives you a little latitude to discuss so much. We need to introduce an item like that on the agenda. There would be times when we would use it and times when we would not, but, this would help to bring Tobago's issues to the fore in a timely manner. We could use that provision whenever the need arises.

It is important to say that no matter what changes we make in our procedure, in technology, in changing what the Red House looks like and its functionality, all of that would be no good unless the parliamentarian makes proper use of them. At

the end of the day, the power lies in the hand of the parliamentarian, as it relates to the effectiveness of Parliament. The integrity and effectiveness of Parliament depend on the integrity of the parliamentarian, the way he or she behaves, the way you use the Parliament, the way you use your position, the way you use speaking time, the way you bring the issues to the fore and how you influence the process of national development. All this has an impact on the effectiveness of Parliament in serving the people. Most of it lies on the parliamentarians. [*Interruption*]

Mr. President: Hon. Senators, it is 4.30 p.m. We will take the tea break and resume at 5.00 p.m. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m. *Sitting resumed.*

Mr. President: When we last left, Sen. Cudjoe was on her legs and, I believe, she has 17 minutes more. I invite her now to speak. Thank you.

Sen. S. Cudjoe: Thank you, Mr. President. Before we left for lunch—

Sen. Beckles-Robinson: Tea.

Sen. S. Cudjoe: For tea. I am sorry, it would have been breakfast for me. Before tea, I was making the point that in discussing this whole issue of the effectiveness of Parliament that it is the parliamentarian who has the power. The parliamentarian is the most powerful player, the key factor in ensuring efficiency and effectiveness in our Parliament.

So, if we are truly concerned about enhancing Parliament's effectiveness, then the parliamentarians need to do some introspection and some assessment. You see, we have a decision to make as to how we use our time and how we show ourselves to the public in the content of our speeches from “picong” to facts; whether we go with untruths or the truth; whether we educate the public or we fool the public; whether we make comments that would end up in untrue statements being recorded in the *Hansard*, even how we interact or how we describe our parliamentarians. Some of the things we say within these walls that parliamentary privileges give us the right or freedom to say, we cannot say them outside of these walls, but the people sitting and watching the Parliament on television, they take that information and they run with it and they assess us by that, they judge us and they score us by that.

Mr. President, if you go to the market or you sit around one of these Works gangs, or WASA gangs, or T&TEC gangs; the people who are doing the infrastructural work on the roads and pipelines and so on, you get a chance to feel the power somewhat, what they are saying about us. You would be surprised to

hear some of the things that they are saying. I hear people talk about blatantly lying in Parliament, using your high office and using the media and using your status to discredit other parliamentarians, to discredit political parties, to discredit institutions. Sometimes, in doing so we even undermine the very Parliament that we are a part of and we even undermine our own creditability and effectiveness as parliamentarians.

I heard people talked when we had the debate on pension and the whole idea of negative resolution, and they were saying that negative resolution takes away that part that allows the Opposition and the Independent Benches to get involved and to have their say, which defeats the whole purpose of our being in Parliament to discuss the people's issues. They also talk about using power to do things that are not right. For instance, in the last contribution I made on the Elections and Boundaries Commission (Validation of the Ninth Report of the Tobago House of Assembly), I mentioned the topic of an early election, and some people said, "What are you talking about?" I had reported what I heard from being around the people and that kind of thing. In some circles they said, "yes", that is what is taking place, and in some circles they castigated me, saying, "where did this girl get this information from? What is she talking about?"

But I am sure that some of us would have seen the news last night on CNC3, where they reported a conversation that took place at a TOP event on Sunday. Mr. President, from my information, the officials within the party were talking about the same early election and this agreement to have an early election within six months once the People's Partnership came into power. This is what the people are saying and some of the conversations were brought on the news last, so it just gave me some confirmation that I am not crazy, you know. We must take into consideration that the topics that we discuss here, there are people who are sitting in front of their television and they feed into what we say, and sometimes we set the platform and we set the stage for what is going to be discussed in the nation, probably for all of next week.

The people talked about blatantly lying in Parliament. I read a clipping in this week's *Mirror*—[*Holds up newspaper*]—that describes parliamentarians as being deceptive. Sometimes when one person makes a deceptive comment or casts aspersions, the blame does not just go on that one person. When they talk about us, they talk about us as a collective unit. So, in this newspaper dated Sunday, October 24, a reporter by the name of Learie Poyer described the contribution from the Minister of Tobago Development in the budget debate as being laced with untruths. He went and did the research and he went into the whole foil paper

issue for the state of affairs in Tobago. And this is the kind of thing that reporters put out about us, and it all depends on how we behave within these walls and the information we bring, and sometimes it could simply be from lack of research.

When I heard the whole comment on the foil paper I was thinking, “wow, they probably have a room that has boxes and boxes of foil paper”, and that is the image I had in my mind until I went and did my research and found out about the hypothermal foil blanket. What was important was the way that people, the public and the newspaper described us a one unit, as parliamentarians or the Government. Whether we like it or not, whether we are in Government or in Opposition, or even on the Independent Bench, we all have some part to play in governing, in making up this Government in some way or the other, so we have to be cognizant as to how that reflects upon us and the effectiveness of Parliament.

Mr. President, I was discussing the whole—we have to take into consideration the things that we say in here, they go into the *Hansard*, and for people like me and for some of the new people also, who have to go back to the *Hansard* record to see what happened and what the political environment was at that time, by doing so and by doing my research I recognized that the *Hansard* record is more important than I thought, and having that accuracy—

Sometimes when they bring back my report I take a long time before I correct it, not recognizing that if I do not, the statements do not get recorded into the *Hansard* record. To me it stood out today when the President spoke about sending the *Hansard* to Barbados so that the Parliament in Barbados could talk about our sympathy with respect to their Prime Minister. So it taught me a valuable lesson as to how important the *Hansard* records are and we have to be more responsible as to what we put into the *Hansard* record.

While it may not seem as important to us now, it is important to the people who come after to figure out, okay, what happened? That brings me to different times when as parliamentarians we would have—the people say that it is on purpose—put false statements into the *Hansard* record. This brings me to the debate we had, again, on the validation of the EBC Bill, and I remember we had the junior Minister in the Ministry of Tourism, making a statement in this Senate; it was clearly a breach of Standing Order 87 and section 62 of the Constitution, which speaks to strangers in the Senate, and it says, the only person who has the right to speak in either House on any matter is the Attorney General, any other Minister speaking in a House to which he does not belong must speak on matters under his portfolio.

It was clear on that day, and guide me if I am wrong, that the junior Minister in the Ministry of Tourism was not making a statement or a comment on tourism. He was, in fact, responding to some comments by the Leader of the Opposition on a political platform over the weekend, and then he joined the debate on the validation of the EBC Bill, but those things we have to be vigilant about. The contribution did not bother me, personally, but what stood out to me was the content of the contribution and the impact it would have made in the *Hansard* record and on Members of—not the Parliament; but even the assembly.

What I am saying is that the contribution we make here it impacts on our effectiveness, because people turn back to what we say. I remember his contribution because it struck so much debate in Tobago afterwards. We have a night show on Channel 5, and people tune into that and they were discussing what had happened and his comments, and for two whole weeks, down to even, last night, Tobagonians were discussing his comments. Let me bring you to his comments.

He would have said, and this is concerning the 2009 Tobago House of Assembly election, and I am showing you how lack of research could cause incorrect statements to be brought into the *Hansard*, and, therefore, breach our effectiveness and efficiency as a Parliament. I am sure it is the responsibility of the parliamentarian to uphold the integrity and the creditability of this Senate in our contributions, in our statements, in our public utterances; in the way we conduct ourselves, in the way we act in every single thing that we do. I will read his statement:

“There are three districts in which special ballots were lodged: Roxborough/Delaforde, Parlatuvier/L’Anse Fourmi/Speyside and Scarborough/Calder Hall. Why does this make any import to the people of Trinidad and Tobago? On the night when the results were tallied on the ground, particularly in Scarborough/Calder Hall district, there was a clear winner, and it was not the person who holds the seat now. After those special ballots were lumped by whichever mechanism they”—meaning the EBC—“chose, the result changed. Therefore, Tobagonians had to ask questions and, at that time, we required of the EBC to come to us, sit and explain to Tobagonians what happened. But did they do that? I only ask the questions.”

Now, Mr. President, this statement is not only misleading, but it is a blatant attack on the integrity of the sitting representatives of the Tobago House of Assembly and an attack also on the EBC. Anybody who goes back to the *Hansard* would look and say, “wha”, we are really living in a corrupt environment, you had

down to the independent EBC being so corrupt. So it caused me and it caused us, in Tobago, to do some research and get the EBC involved to set the record straight, because here you come in the highest forum of the land and make these comments, and people are tuning into you.

It so happened that they provided us with a list of special electors with all the names of the people. It said that Roxborough/Delaforde had 40 special electors; Parlatuvier 46 and Scarborough 64.

5.15 p.m.

Of those listed, Roxborough/Delaforde; 30 people actually used the ballots and in Parlatuvier and L'Anse Fourmi 34 used their ballots. Scarborough/Calder Hall, 42 used the ballots. It should be noted that the person who won the Roxborough/Delaforde seat won by 74 votes, which is 44 votes more than the number of special electors. Then the person from Parlatuvier won by 58 seats, which is 21 votes more than the number of special voters. The person who won the seat in Scarborough/Calder Hall won by 202 votes, which is 160 more votes than the 42 special electors. So this shows you how we could distort information that gets placed into the *Hansard*.

Now this whole debate—this contribution—sets the pace for so much debate in Tobago and I want to say that it is our responsibility to uphold our own integrity and the integrity of this Parliament. In winding up, I want to say that—you see, one day we must leave here and no matter what technology or mechanisms we use to improve the effectiveness of Parliament, at the end of the day it lies with us to tell the truth, to bring the right information, to do our research, because at the end of the day the cleaning up process is very difficult; like the cleaning up process that Sen. Al-Rawi had to do today. You have to now come and extract the venom from the brains of the public and try to clean up the mess that people intoxicate the public with incorrect information.

In closing, I want to say that at the end of the day it is we—because people look at the Parliament Channel and they judge us. They do not just judge us by what the Red House looks like or if it can accommodate the people; they judge us by how we act; the information that we bring to the Parliament and how we educate the people. We must remember that we must leave here some day and when you return to the village people are going to ask you: what was your contribution? What did you do? As a Tobagonian they would ask you: how did you help to improve the Parliament's ability to effectively deal with the issues of Tobago? What did you do to strengthen the hand of the Tobago House of

Assembly? What contribution did you make to give the Tobago House of Assembly Act more teeth? What did you do? Did you just come down to Trinidad and cast aspersions and make mischief? What did you do? We must be able to answer those questions so we may do all in our power to improve the procedures of Parliament. At the end of the day it lies on us, the parliamentarians, to uphold our own integrity and the integrity of this honourable House.

Mr. President, I sincerely thank you. [*Desk thumping*]

ADJOURNMENT

The Minister in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, November 02, 2010 at 1.30 p.m., at which time we shall discuss the Pensions Bill which is not on the Order Paper but which has qualified, and if time permits, Motion No. 2 on the Order Paper. That is the Motion on Land Acquisition. “Be it resolved that this Senate approve the decision of the President to acquire the lands described in Appendix I for the public purposes specified.”

Thank you, Mr. President.

Mr. President: Hon. Senators, before I put the question, leave has been granted for a matter to be raised on the Motion for the Adjournment of the Senate. I now call upon Sen. Penelope Beckles-Robinson.

Government’s Proposed Bailout Plan (Adverse Consequences of)

Sen. Penelope Beckles-Robinson: Mr. President, thank you very much. My motion is entitled “The adverse consequences of the Government’s proposed bailout plan on the credit union movement.” I have raised this Motion and in so doing I indicated some time ago and congratulated the Government for the establishment of what is now being called the Bharath Committee. You did not hear that term, Sen. Bharath? Actually there are two coins now: there is the Dookeran Plan and the Bharath Committee, setting up this committee to look into the issue of the Clico policyholders of which the credit union movement would be one of the stakeholders.

I want to specifically deal with the credit union movement. I want to deal with that movement because that is a movement that involves some 500,000 members, and if you think about Trinidad and Tobago as a population of 1.3 million people, then you would know that in every household there is a credit unionist and a number of families obviously would be affected by this particular plan.

Now, what is important about this issue—and I raised it in my budget contribution but I want to spend a little more time talking about it today—is that we have a situation where the Hindu Credit Union Cooperative Society based on the proposed bailout, in my humble view, will be given preferential treatment over several other credit unions which have been awaiting deliberations by the Commissioner of Cooperatives as they relate to complaints that have been filed. For example, you have the Fyzabad Credit Union, First National Muslim Credit Union, Flagship Christian Credit Union, Mount Pleasant and other credit unions that are before the Commissioner of Cooperatives, having filed complaints as they relate to their returns of their shares and/or moneys invested in their respective credit unions which are no longer operational.

The point, therefore, is that notwithstanding the fact that this has been a promise of the Government to treat with the issues as they relate to the Hindu Credit Union Co-operative Society, my question is that under section 67 of the Cooperative Societies Act, it says that:

“The Commissioner for Co-operative Development is assigned the sole responsibility for hearing and determining disputes.”

Section 67(9) says:

“In this section ‘dispute’ includes a claim by society for any debt or demand due to it from a member, past member or the nominee, heir or legal personal representative of a deceased member.”

It talks about members being able to file those complaints. It also meticulously states the procedure by which the Commissioner of Cooperatives can deal with these issues.

Now, as we know, at present the Commissioner is both a litigant and a defendant in several matters relating to the HCU and the question is: how does the Commissioner for Cooperative Development respond in such circumstances? The fact of the matter is, when you look at the data as it relates to the Hindu Credit Union, the liquidator reveals that the proposed ceiling payout of \$75,000 results in approximately 95 per cent of the HCU members retrieving 100 per cent of their savings. So that naturally you are going to have an issue of equity and equality as it relates to how this Government treats with HCU.

First of all, they have to get around the hurdle of the law indicating that the responsibility to treat with these disputes first and foremost, lies with the Commissioner of Cooperatives. So even though their intention may be to treat with it in this way, they have to cross that hurdle because the Commissioner of

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Cooperatives is the only person in law that is given the responsibility to deal with it, and you have several other credit unions that have been waiting for years to have their matters dealt with. Of course, we now have our Equal Opportunities Commission and the question therefore would arise as to how the Government is going to deal with that hurdle as it seeks to fulfil its campaign promise.

The *Guardian* today has an editorial that speaks to a fair and equitable Clico decision and there are a few paragraphs—actually the entire editorial is well written, but in my 15 minutes I do not propose—in any event, I do not have the time, but there are two important paragraphs.

“In its weighing of the various interests, the Government should also be aware that its decision in this matter will be closely scrutinised both by those who are sympathetic to the plight of the Clico policyholders and those who feel that they are just a bunch of greedy rich people who are looking to live off the fat of the land.”

Then it says:

“Finally, the reason it is so important that the Government get the Clico decision absolutely right is because the wrong decision could have a devastating and permanent impact on investor confidence in the economy.”

Now, it is no secret that a lot of what is being debated is not of this Government's making, but at the same time the responsibility falls on them to find some sort of solution. Now, in setting up this committee, what is clear is that in making this proposed bailout, maybe what should have happened is that what is being done now should have been done before the bailout was proposed, because in truth and in fact, you had the impression being given that you should either take it or leave it. Then we found ourselves in a situation where we realized it is really not that simple and it may very well have been a better approach to do exactly what is being done now so that the people get a comfort level that the Government would have listened before they made that particular decision.

It is not too late and, as I said before, I congratulated them for setting up the committee and certainly giving a listening ear to members of the public. I have observed that several members who have met with Mr. Bharath have commended his approach and his style and the way he has been listening to the complaints of the stakeholders. So that augurs well for a possible solution that may comfort a number of citizens.

I just want to add that, as it relates to the credit union movement, the committee has met with one of the organizations, which is the Cooperative Society, but I just want him to know that you have four national organizations and

those organizations were previously meeting with the Ministry of Finance to deal with the issue of credit unions and I know that they are waiting anxiously to ensure that before you submit your final report they are given a hearing so that they can also give you their recommendations to treat with this matter as it relates to the credit union movement.

My other concern is the fact that in the public domain there have been some statements attributed to the credit union leadership and credit union movement to give the impression that the credit union movement has been greedy—and I am using that term very loosely because I have seen it in several articles in the newspapers—and in some cases irresponsible. Some have even suggested that their involvement in the entire Clico affair has been illegal and that they did not have the proper advice.

5.30 p.m.

I am a former President of Eastern Credit Union—which is one of the largest credit unions in the Caribbean—and I know for a fact, that the credit union movement obtains advice from the Commissioner of Co-operatives and the Central Bank before they enter into any arrangement with Clico. If you obtain advice from the Central Bank and the Commissioner of co-operatives, together with other legal luminaries before you enter into any arrangement with Clico, as many other policyholders have done—I think they took the appropriate steps to ensure that before they got involved with any investment package that Clico offered, that they got the appropriate advice.

So for people to be casting aspersions on the credit union movement, which is one of the stakeholders of the wider policyholders—and I dare say that when you look at the amount of money invested by the credit union movement as compared with others, it is probably about 10 per cent, but membership is 500 per cent. At the end of the day, the credit union movement is made up mainly of what we would call in Trinidad and Tobago, “small people”—if I could use that terminology. Over the years, we are aware that the credit union has grown. This is credit union month and the credit union movement is a movement that has expanded throughout the world. It is a common movement for people to invest in all over the world.

So, Mr. President, I just want to say that we should be a little more cautious, because some people have singled out the credit union movement as one of the movements that has done something that is worse than everybody else who has invested in Clico. As the Government comes to its decision and as they have set

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up this commission of enquiry, I hope the point that is being raised by Mr. Ramesh Lawrence Maharaj SC, as it relates to the benefits of having a commission, having regard to the existence of the Lindquist Report and the negatives that could flow, I am hoping that is a matter that the Government has given serious consideration. I do not think there is any person in Trinidad and Tobago who is not concerned, that we are aware of—some of the persons who have made some bad decisions which have caused us to be where we are today. What they are more concerned about is that the Government is doing absolutely nothing to ensure that its intention to bring persons to justice, who are responsible for some of those wrongdoings, that nothing is done to compromise that.

My final point is that the person who has been selected, who is Sir Lightman QC, was the lead attorney for Mr. Duprey in the Republic Bank takeover and, therefore, there may be a real or perceived conflict of interest in his appointment to head that Commission.

Now, in the Government's indication, both in its manifesto and the whole issue of consultation, if there was consultation in his selection then that has not been made known to the public. It is perfectly in their right to so select, but I hope they know that because of that role he played in the Republic Bank takeover there is going to be a certain perception in the minds of the public as it relates to the role. No one can question his competence. He is one of the best persons in this particular field of conflict mediation, in the area of dealing with complex issues related to takeover of institutions, and similar issues related to Clico. I just thought that is a point, and maybe there would be some sort of comfort level that may be given as it relates to this matter.

So, as I close, Mr. President, I would like to say that on behalf of the credit union movement, which coincidentally celebrates 64 years as a movement in Trinidad and Tobago; this happens to be credit union month—I congratulate the movement for having done an excellent job over the years, in terms of how they have managed the business of the small people. There are those who have not done well like many other banks all over the world, and problems that we see, but there are many who have done very well, Mr. President.

I thank you. [*Desk thumping*]

The Minister of Finance (Hon. Winston Dookeran): Mr. President, I want to concur with the views expressed by our goodly Senator, on the role of the credit union movement in the 64 years of existence. There is no doubt that it has evolved to become a very significant part of the financial sector in Trinidad and

Tobago, and its activities cover the interest of many of our citizens. Therefore, it is legitimate to see what is ahead of them in order to protect the interest of the credit union movement and the financial sector in Trinidad and Tobago.

Sen. Beckles-Robinson raised the issue of the hurdles that we must overcome in our trust to provide such protection. In the few minutes available to me, I want to simply outline what are some of the measures that the Government intends to take in order to provide a more permanent solution to the challenges facing the credit union movement. I say that, because underlying what has been described as the Clico matter really is the issue of the financial stability of the financial system. Most of the discussions that have taken place have somehow missed the fundamental issue of confidence in the stability of the financial system, as perhaps the major goal that we have to achieve in order to overcome the hurdles. Admittedly, in so doing, different people will be affected differently, but in the final analysis it is important for us to agree on how we will ensure the stability of the financial system.

The credit union being what it is, a significant player—there are many who are indebted to it—has played a significant role in the country's financial history. The time has come, however, for us to move one step further in ensuring the financial stability of the credit union movement, and, it is in that context that the Government took into consideration serious deliberations that have been taking place among the many stakeholders in the financial sector, including the credit unions, prior to this Government being elected into office as we attempt to broaden the scope of the regulatory system that will protect the financial stability of that system.

First, we brought into the regulatory ambit the insurance sector, and we have in fact benefited from the deliberations that have taken place; they started many years ago. Before us to be brought to Parliament, is a new Credit Union Act. That Act already has broad consensus among the stakeholders in the financial sector and the Credit Union Act will attempt to do two things: to provide a framework to ensure that credit unions operate with high prudential standards, particularly with respect to credit exposure, and particularly with respect to liquidity challenges; and the Government intends within its framework of building a sound financial sector to introduce that Act as early as we can. Associated with that are amendments to the Co-operative Societies Act under which the credit union is now regulated, and there will in fact be two different pillars to deal with the stability of the credit union movement.

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The Co-operative Societies Act will deal with the issues of registration, membership, conduct and so forth; and the Credit Union Act will deal with providing prudential standards for the credit unions. We are seeing the credit union movement growing over time, becoming a more important financial institution in the country to provide the basic financial needs of many of our citizens. It is in that context, that I want to view what is before us in the national domain. Clearly, the issue of how we resolve a problem that we have begun to accept the challenge for will involve the credit union movement.

Each day that we go into the details of the Clico matter there are new discoveries and new information, and it is in the same context we started. Once we had articulated our position with respect to dealing with this issue in a manner that is equitable, sound, and will protect the national interest and balance sheet of this country, we began to hold preliminary discussions with the credit union movement in order to ascertain what is the state of affairs, and to see whether or not there is need for any special considerations. We recognized the credit union is part of the financial sector and we therefore cannot talk about ensuring financial stability without looking at how we can protect the financial stability of the credit union sector.

In deference to the points that were raised by the hon. Senator, I wish to indicate what are our findings to date. There are 63 credit unions that have invested in short-term investment products—EFPAs issued by Clico—amounting to TT \$758 million. Included in this number is the Central Finance Facility Co-operative Society which acts as a source of short-term liquidity to the credit union industry.

An analysis was conducted using the latest financial information on the asset base of each credit union—sourced through the Ministry of Co-operatives. This analysis was conducted to estimate the potential adverse financial impact on liquidity of each credit union, using the following method: What is the percentage exposure of the asset base to Clico? Any credit union that exceeded an exposure level of 15 per cent or more will be considered high risk for liquidity purposes. This is based on the assumption that the remaining assets of each credit union or performing assets are not in any way impaired.

5.45 p.m.

The use of 15 per cent as a rule of thumb is based on the Basel III Rules which stipulate that banks must have 7 per cent equity as a percentage of their assets. Given that credit unions are pure equity vehicles that are owned by the

shareholders with little or no leverage, the 15 per cent exposure level defined as a non-performing asset is considered to be highly conservative. However, for liquidity purposes, under the Government's proposals for Clico, the bonds that replace the Clico exposure can be sold to banks to provide immediate liquidity if possible.

Using this methodology, we came to the following conclusions:

- (1) Ten credit unions exceeded the hurdle of 15 per cent of capital invested in Clico EFPAs to net Trinidad and Tobago \$422 million or about 50 per cent after deducting for the \$75,000 cash settlement offered by the Government;
- (2) There are four credit unions that exceeded 30 per cent with one as high as 66 per cent, which could be considered critical for their liquidity needs; and a special window for the provision of liquidity which could amount to \$262 million or 23 per cent of value could be made available to these institutions;
- (3) Thirty-seven per cent of the credit unions have had exposure to 5 per cent, which can be considered absolutely liquidity safe, assuming that the other assets are sound.

It is in that context, therefore, that we have approached our deliberations to the credit unions to:

- (a) Provide a sound financial footing for its future growth;
- (b) Establish the necessary legislative framework to allow that to take place.

No one wants the situation that has happened with respect to Clico to happen again in Trinidad and Tobago; and no one wants such a situation to be left unattended for almost 18 months while it deteriorates as dramatically as it has.

It is to the credit of this Government's requiring to put the financial system on a sound footing that we took immediate steps and announced a plan that is still under some public discussion, but which remains the Government's position. Our approach, therefore, is to look at it clinically and in the interest of protecting the financial soundness of the credit union to find the appropriate solution to deal with those.

You will note from the figure that I have outlined that most of the credit unions are not under any undue exposure. A few of them are and some are in terms of numbers. In our approach, we will always be sensitive to providing the stability course for the credit union, while at the same time not allowing ourselves to be caught in a moral hazard.

Gov't Bailout Plan
[HON. W. DOOKERAN]

Tuesday, October 26, 2010

When we do public policy for today, we are also conscious about the responsibilities for the future. No one hopes to have any financial institution find itself in a situation where taxpayers' funds, limited as they are, must be used to protect it. We must provide a framework to protect the interest of the credit unions in the first place. Secondly, we must deal with the current issue in a manner that will provide financial stability for the system within the confines of the resources available to the Government.

I hope, in terms of the very specific question that was raised, that this will at least give an opening to how we intend to approach this exercise; in a very constructive way; on the understanding that the credit union movement is an integral and important part of the financial sector; ensuring that in the future the financial stability of that sector remains intact; and in a manner in which we can deal with these issues that have arisen with those credit unions that are at higher risk.

As we go through this exercise, more information becomes available to us. Even today, in my discussions on this matter of the exposure of the financial system to the Clico situation, I have found that the Home Mortgage Bank also found itself very much exposed. I have asked the Governor of the Central Bank to initiate immediately an audit to unearth what may or may not be a practice that ought not to have been followed.

As we go on in tackling this fundamental national issue, we unearth more information and it is somewhat unfortunate that people see only what is in their own interest without regard to the depth to which this country's financial system has reached.

During the meeting in Washington that I attended on behalf of the Government two weeks ago, I was in discussions with Caribbean governments and they are all reeling.

Am I finished?

Mr. President: You have exceeded your time.

Hon. W. Dookeran: I just thought I should end by saying that our objective is to ensure the stability of the financial system, including that of the credit union movement.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.52 p.m.