THE

PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE SECOND SESSION OF THE ELEVENTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO WHICH OPENED ON SEPTEMBER 23, 2015

SESSION 2016—2017 **VOLUME 1**

SENATE

Friday, September 23, 2016

1.30 p.m.

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

REPUBLIC OF TRINIDAD AND TOBAGO

No. 6 of 2016.

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

ANTHONY T. A. CARMONA
President

A PROCLAMATION

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

Now, therefore, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, do hereby appoint Tower D, International Waterfront Centre, 1A, Wrightson Road, Port-of-Spain, Trinidad, as the place at which the Second Session of the Eleventh Parliament of the Republic of Trinidad and Tobago shall be held and 1.30 p.m. on Friday the 23rd day of September, 2016, as the time at which the said Session shall commence.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 16th day of September, 2016.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dennis Moses and Senators Gerald Hadeed and Daniel Solomon who are all out of the country, and to Senators Taurel Shrikissoon and Sophia Chote, SC from today's sitting.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona S.C., O.R.T.T.:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

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

TO: MS. AYANNA LEEBA LEWIS

WHEREAS Senator the Honourable DENNIS MOSES is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AYANNA LEEBA LEWIS, to be temporarily a member of the Senate, with effect from 23rd September, 2016 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Dennis Moses.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 22nd day of September, 2016."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

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

TO: MR. GERALD IAN RAMDEEN

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

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you GERALD IAN RAMDEEN to be temporarily a member of the Senate, with effect from 23rd September, 2016 and continuing during the absence from Trinidad and Tobago of the said Senator Gerald Hadeed.

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 22nd day of September, 2016."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

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

TO: MR. WAYNE ANTHONY MUNRO

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

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you WAYNE ANTHONY MUNRO, to be temporarily a member of the Senate, with effect from 23rd September, 2016 and continuing during the absence from Trinidad and Tobago of the said Senator Daniel Solomon.

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 22nd day of September, 2016."

OATH OF ALLEGIANCE

Senators Ayanna Lewis and Gerald Ramdeen took and subscribed the Oath of Allegiance as required by law.

AFFIRMATION OF ALLEGIANCE

Senator Wayne Munro took and subscribed the Affirmation of Allegiance as required by law.

JOINT SELECT COMMITTEE REPORT

Government Assurances (Adoption)

Madam President: Hon. Senators, as you all are aware, on Tuesday, July 5, 2016, the Senate adopted the report of the Joint Select Committee on Government Assurances. Standing Order 98(1) mandates that:

> "The Committee on Government Assurances shall scrutinize the assurances, promises and undertakings given by Ministers from time to time on the floor of the House and report on—
>
> (a) the extent to which such assurances, promises and undertakings have been implemented; and
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> (b) when such assurances, promises and undertakings have been implemented…whether such implementation has taken place within the minimum time necessary for the purpose."

Accordingly, I wish to inform this Senate that with effect from Monday, September 26, 2016, assurances made to the Senate by Ministers and Parliamentary Secretaries during question time, debates on Bills, Ministerial Statements and the raising of matters on the adjournment will be recorded and monitored for implementation. A procedural bulletin to this effect will be circulated during today's proceedings.

REVISED STANDING ORDERS

Madam President: Hon. Senators, with the commencement of this Second Session of the Eleventh Parliament, we will now begin to use our Revised Standing Orders with effect from Monday, September 26, 2016. I wish, therefore, to encourage all Members to familiarize themselves with the amendments to the Standing Orders, 6; 27(14) and 27(16); 46(4) and 46(6) and 105, as well as the new Standing Orders, 42(5) and 78(3). Copies of the revised Standing Orders, 2016 have been circulated to Members.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Chaguaramas Development Authority for the year ended September 30, 2011. [*The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Chaguaramas Development Authority for the year ended September 30, 2012. [*Sen. The Hon. F. Khan*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Chaguaramas Development Authority for the year ended September 30, 2013. [*Sen. The Hon. F. Khan*]
4. Annual Audited Financial Statements of the National Enterprise Limited (NEL) for the financial year ended March 31, 2016. [*Sen. The Hon. F. Khan*]
5. Annual Audited Financial Statements of the Rural Development Company of Trinidad and Tobago Limited (RDC) for the financial year ended September 30, 2013. [*Sen. The Hon. F. Khan*]

1.45 p.m.

ADJOURNMENT

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): Madam President, I beg to move that this Senate do now adjourn to a date to be fixed.

Republic Day Greetings

Madam President: Hon. Senators, before I put the question on the adjournment, I would like to invite Members from each Bench to bring Republic Day greetings.

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): Madam President, it is indeed an honour and a privilege to bring Republic Day greetings to the nation on behalf of the Government of Trinidad and Tobago. On September 24th, 1976, 40 years ago, Trinidad and Tobago gained republican status. In other words, this year marks the 40th anniversary that we proudly call ourselves the Republic of Trinidad and Tobago, but let me put the chronology of this event into context.

In 1956, the People's National Movement introduced party politics to Trinidad and Tobago. In 1956, we were elected into Government and Dr. Eric

Williams became the first Prime Minister of Trinidad and Tobago. In 1962, after the break-off of the West Indies Federation, on August 31st, 1962, Dr. Williams, along with Dr. Rudranath Capildeo and others, guided Trinidad into independent status and a proud member of the British Commonwealth.

A mere 14 years after, the PNM again guided Trinidad and Tobago to republicanism further cementing our truly independent status. I regret to say that the last vintage of our colonial past remains and continues to be our use of the Privy Council as the final Court of Appeal. This we plan to replace with the Caribbean Court of Justice and again, we urge the Opposition to sort this venture in this second sitting of Parliament. And it is only then that we can truly call ourselves a republican country and proudly fly the flag of being called the Republic of Trinidad and Tobago.

I remember Mr. Manning telling me once that he was speaking to the Prime Minister of India and the Prime Minister of India indicated to him—and these words resonate in my brain all the time—that the Supreme Court of India is supreme and I think we should take our pattern from that statement. But, Madam President, the point I want to make here is that the PNM has been instrumental in all the quantum leaps that this society has made in the political, economical and social evolution of this society. As a PNM administration, we plan to continue along that path.

To the nation today, I say, the most important and honourable quality you can adopt is patriotism. Love for country before love for self; be willing to serve your nation in spirit and in truth. Madam President, this quality exists in the United States of America. So that when young persons join the armed forces, they are willing to give their life to the service of their nation. That is what the old veteran movement is all about. In Trinidad and Tobago, very rarely do we ask you to make that ultimate sacrifice, but for heaven's sake, love, cherish and protect your distinguished country, Trinidad and Tobago; understand our current circumstances and support the national agenda—support the national agenda, independent of which political party you belong to, and let me repeat that. Support the national agenda, independent of which political party you belong to.

And I conclude by saying that if Trinidad is ever to become a great nation, we must put nation before party and nation before self. To all the citizens of Trinidad and Tobago, on behalf of the Government of Trinidad and Tobago and on behalf of the People's National Movement, a party which I am proud to chair, I wish you all a happy, productive and patriotic Republic Day 2016.

And in that context, I invite everybody in Trinidad and Tobago, the nation at large, and in particular the Independent and the Opposition Senators, to join us in a day of prayer and thanksgiving being hosted by the hon. Prime Minister tomorrow morning at the Queen's Park Savannah, because as a nation, let us put God first. I thank you very much. [*Applause*]

Sen. Wade Mark: Thank you very much, Madam President. I am delighted, honoured and privileged to bring greetings on behalf of the United National Congress and our partners who are here as the alternative government. I want to say, Madam President, that as we rush towards our 40th anniversary of republicanism on Saturday, which is tomorrow, we extend to the people, the citizens, warmest republican greetings.

Our understanding of the republican form of Government is one in which the powers of sovereignty—I want to repeat that word. The powers of sovereignty are vested in the people and are exercised by the people, either directly or through representatives chosen by the people to whom those powers are delegated, Madam President. Republicanism is coined and manifested by the following expression:

> A government by the people, a government of the people and a government for the people.

Governments, whatever their colour or complexion, holding trust for a period of time that power which is granted onto them by the people. But that power that is a temporarily granted in trust does not give any Government the authority to trade, parlay, negotiate or even to give away the sovereign power of the nation without specific single issue permission freely given by the people to do so. And when we speak about the government by the people, it means that the people in a republican democracy rule themselves via their elected representatives. No other body, not the US Congress, not the IRS, not the Judiciary, not the International Monetary Fund or any other contrived bureaucracy has the right to create new law to govern the people and require their obedience.

Madam President, to be a government for the people, it means that the sole aim of democratic government is the maximization of security, prosperity, freedom and contentment of the people and, therefore, that kind of environment does not permit either politicians, industrialists, bankers, academics, financiers or even journalists to tell this republican Parliament and its elected Members how to run their affairs. [*Interruption*] We will come to that bridge when we reach it, we are not there as yet.

So, Madam President, we want to make it very clear that when we talk about republicanism, which we are now today, we must ensure that we do everything in our power to uphold the rights, the freedoms and of course, protection, safety and security of every single citizen of our republic, regardless of colour, creed, class, gender, sex, region, religion or geography. We must recognize that and we must never compromise the rule of law in this respect.

And therefore, we look forward as we go into the 40th anniversary of republican status that there will be due respect administered and observed to this republican state with its sovereign will and independence of its people. We take decisions only in the interest of the citizens who have placed us here and no one else. No one else and we are committed as the alternative government to protect the rights and freedoms of our people in this republican state of ours as we move towards our 41st anniversary in 2017.

I wish on behalf of the alternative government to extend to the people of Trinidad and Tobago, a very happy, wonderful and peaceful 40th anniversary of republican status in Trinidad and Tobago. I wish to thank you sincerely, Madam President.

2.00 p.m.

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Madam President, for this invitation to bring greetings to the national community on the occasion of Republic Day in Trinidad and Tobago. I did not realize 40 years had elapsed, but I recall 40 years ago while in high school, people asked me as if I should know for whatever reason, what did it mean? And, of course, I concocted an explanation then, it meant that we are now in charge of our own affairs. I was, of course, very correct then, and it means that Trinidad and Tobago which would have severed 99 per cent of its ties with the metropolitan country of the United Kingdom was really, Madam President, in charge of its own affairs. We did not need to refer to the authorities in the UK for permission to do a number of things. We had in 1976 our own republican Constitution, which created for us the rights and the responsibilities, the privileges and the duties of the people of Trinidad and Tobago.

I am tempted to ask for as much time as Sen. Mark talked, but I will not on this very first day, but really—[*Interruption*] no, no, but really it is a good discussion. You see, we need to understand the importance of the holiday—[*Interruption*] yes, yes, and the greetings—and there are many people who need to know why we celebrate this holiday. You see, Trinidad and Tobago is unique. It

is a unique country because we have been drawn from populations across the world. From every corner of the globe, the people of Trinidad and Tobago have originated. This means we are a very diverse society, and in diverse societies which did not have its own traditions as European societies, for example, or even Asian societies, diverse societies had to create its own traditions, and the Republic Day for me means that we were given that opportunity to create institutions, organizations, a system of Government that was uniquely tailored to the peculiar needs of Trinidad and Tobago, the idiosyncrasy of Trinidad and Tobago.

When I look at the institutions that we have developed over the last 50 plus years, and in particular over the last 40 years, I know that we are moving in the right direction. Trinidad has a great deal to teach the world because of our republican status, because we are drawn from so many different parts of the world, and there is always the tendency to disharmony and discord as we see in the rest of the world. Trinidad as a truly multi-cultural society has the opportunity to send a message to the rest of the world, that we are more common than we are different. Blessed are the peacemakers.

I would like for the next 40 years, for Trinidad and Tobago as a republican State, to be a peacemaker in the world, an exemplar of multiculturalism in the global arena that always seems to have one strife or the other, and amongst the Commonwealth of Nations, we are certainly a leader in the forefront. There is much work to be done, but the institution of Parliament of which we on the Independent Bench are Members, is a critical institution, and I think the people of the Republic must know that all Members of the Senate, in particular the Independent, but those who are vying for power as well. All Members of the Senate, Madam President, all Members of Parliament, all Members of the Executive arm, have nothing but one thing in common, and that is interest of the welfare of the people of Trinidad and Tobago, so that because we are a republican State, we can in the pantheon of nations, be able to say in Trinidad and Tobago, we are getting it right because we know how to administer our affairs, and that we thank the colonials for the institutions that they have bequeathed to us, but we are developing institutions of our own via the laws we pass in the Parliament, so that for the next 40 years, we in Trinidad and Tobago can be proud of our republican status.

Madam President, on behalf of the Independent Bench, I say greetings to the population and a most reflective Republic Day tomorrow, and may our Republic continue to display the kinds of strengths that we have in the past and may we continue to be an exemplar amongst the nations of the world.

Thank you very much.

Madam President: Hon. Senators, I too wish to offer my congratulations to the citizens of Trinidad and Tobago, as we celebrate the 40th Anniversary of Republic Day. Republicanism is at one and the same time, two things. It is both the last step in the march towards Independence and the first step in a life of Independence. In a political sense, republicanism represents the final overthrow of the vestiges of colonial rule, but beyond the politics, and in the civic sense, republicanism is the beginning of our nation's challenge to cohere disparate, historical and cultural antecedents, that 40 years later our country is able to celebrate and respect one another's religious and cultural festivals, and to feel the bond of common excitement and pride at our citizens' achievements in sport and entertainment alike, demonstrate that we have understood the nature of republicanism, and are evolving successfully as a truly independent nation. In the challenges and successes that are yet to come, may we find ourselves continuing to act as one people and one nation where every creed and race finds an equal place. [*Applause*]

Hon. Senators, before I pose the question on the adjournment, let me welcome everyone to the Second Session of the Eleventh Parliament. We come here now, everyone, in tune with the Standing Orders and we are now—we can now all consider ourselves to be experienced parliamentarians, because as we started the First Session many of us were doing this for the first time. So, I welcome everyone and I look forward to our future engagements.

So hon. Senators, I beg to move that this Senate do now adjourn to a date to be fixed. Oh, no, I am moving—I am sorry, the question is, hon. Senators, that this Senate do now adjourn to a date to be fixed. [*Laughter*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 2.06 p.m.