

*Leave of Absence*

*Friday, March 11, 2011*

**HOUSE OF REPRESENTATIVES**

*Friday, March 11, 2011*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, the hon. Dr. Fuad Khan, Member of Parliament for Barataria/San Juan is presently out of the country and has asked to be excused from sittings of the House during the period March 03, 2011 to March 16, 2011.

I have also received communication from Mr. Nileung Hypolite, Member of Parliament for Laventille West; Mr. Patrick Manning, Member of Parliament for San Fernando East and Mrs. Joanne Thomas, Member of Parliament for St. Ann's East. The Members have asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

**MEMBER FOR LAVENTILLE WEST'S FATHER**

**(DEATH OF)**

**Mr. Speaker:** As it concerns the hon. Member for Laventille West, Mr. Nileung Hypolite, I have been informed that his father has passed on. I would like on behalf of the hon. Members of this House to extend our deepest expressions of sympathy to the hon. Member of Parliament for Laventille West, his family and other bereaved relatives on the passing of his father. I have directed the Clerk to send a letter on behalf of the Members to his bereaved family.

**MISCELLANEOUS PROVISIONS**

**(BAIL AND KIDNAPPING) BILL**

Bill to amend the Bail Act, Chap. 4:60 and the Kidnapping Act, Chap. 11:26, brought from the Senate [*The Minister of National Security*]; read the first time.

**JOINT SELECT COMMITTEE REPORT**

**Presentation**

**(Deferral of)**

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, on behalf of the hon. Minister of Legal Affairs, I wish to present the following report. [*Interruption*] Mr. Speaker, the Minister of Legal Affairs is on his way and has asked that we defer this item so that he can present the report.

**Mr. Speaker:** Hon. Members, this particular report to be presented by the hon. Minister of Legal Affairs would be taken at a later stage in the proceedings.

**STATEMENT BY MINISTER**

**Commonwealth Week in the UK  
(Hon. Prime Minister's Visit)**

**The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan):** Thank you very much Mr. Speaker. Mr. Speaker, let me take this opportunity on behalf of the Prime Minister, the Government and the people of Trinidad and Tobago and all of us as parliamentarians, to extend to the Government and the people of Japan, our deepest condolences and sympathy on the disaster that took place last night in their country. It is our wish and our hope and prayer that they will be able to return to stability in the shortest possible time and may the blessings of God be with them and our blessings at this point in time.

Mr. Speaker, we would also like to take this opportunity to extend condolences to our friend from Laventille West on the passing of his father from all of us here on this side and I am sure all of the parliamentarians.

Mr. Speaker, I am authorized by the hon. Prime Minister and the Cabinet to make the following statement regarding the upcoming visit of the Prime Minister and her delegation to the United Kingdom.

The hon. Prime Minister, Mrs. Kamla Persad-Bissessar, as Chairperson-in-Office of the Commonwealth will travel to the United Kingdom to celebrate Commonwealth Week, 2011 and to represent the Commonwealth at several of its meetings. She will also deliver feature addresses at various parliamentary, local government and business meetings.

While in the United Kingdom, the hon. Prime Minister will launch the Caribbean Business Forum to be held here in Trinidad and Tobago on June 13 and 14 in collaboration with the Commonwealth Business Council. Mr. Speaker, the Council for the Americas, an important business and investment group has also been invited to participate. During this visit to the UK, the hon. Prime Minister will be accompanied by the Minister of Foreign Affairs; the Minister of Trade and Industry; the Minister of Arts and Multiculturalism and the Minister of Local Government. The Minister of Local Government, of course, is also attending the Commonwealth Local Government Conference.

As Chairperson-in-Office of the Commonwealth, the hon. Prime Minister of Trinidad and Tobago represents the voices and aspirations of almost two billion

people in the Commonwealth. This represents about 31 per cent of the population of the world. Covering an area of 12.1 million square miles, the Commonwealth covers about 21 per cent of the total land area of the world.

As Chairperson-in-Office, this opportunity to celebrate Commonwealth Day and as well, being Chairperson-in-Office, provides Trinidad and Tobago with the golden opportunity to increase global knowledge about Trinidad and Tobago, as well as, to assume leadership in collaborating with major multilateral organizations to deal with the myriad of challenges facing the world and in particular, small island developing States, of which the Caribbean is mostly comprised. Mr. Speaker, as Trinidad and Tobago continues to establish global leadership, the hon. Prime Minister in fulfilling her commitment as Chairperson-in-Office is also marketing and branding our country as a place to do business, to invest, to visit, to learn and to live. This year, the theme of the Commonwealth is “Women as Agents of Change”. It is therefore even more exciting that the first woman Prime Minister of Trinidad and Tobago is at this time the Chairperson-in-Office of the Commonwealth.

Mr. Speaker, Trinidad and Tobago will therefore be able the lead efforts both within the Commonwealth and in the world; efforts that could lead to the further empowerment of women and girls in particular. And as a country, Trinidad and Tobago that is, which has surpassed the Millennium Development Goal for universal secondary education and which has set itself impressive goals for universal primary school education, and further, in which country, Servol has been recognized by the Swedish Parliament and awarded what is popularly called the Right Livelihood Award for outstanding vision and work on behalf of our planet and its people and which Servol is famous for its model of early childhood education, Trinidad and Tobago stands to lend to the Commonwealth, the inspiration to achieve in a similar manner. It is against such a background and more, that the hon. Prime Minister will be attending Commonwealth Week in the UK.

Mr. Speaker, the Royal Commonwealth Society founded in 1868—which means that it is 143 years-old—will on the evening of Sunday, March 13, 2011, celebrate the start of Commonwealth Week and will host the hon. Prime Minister, Kamla Persad-Bissessar, at a dinner for High Commissioners based in the United Kingdom. The Commonwealth Day Observance Ceremony at Westminster Abbey will be at 3.00 p.m. on Monday, March 14, 2011. It is a large multi-faith gathering attended by Her Majesty The Queen, Heads of Government, faith leaders, several hundred young people and dignitaries from around the world.

*Commonwealth Week in the UK*  
[HON. DR. S. RAMBACHAN]

*Friday, March 11, 2011*

The hon. Prime Minister as Chairperson in Office has been invited to take part in the formal ceremonies at Westminster Abbey to commemorate Commonwealth Day and the theme “Women as Agents of Change”. There will be other readers, dancers, musicians, as well as, people giving personal testimonies to emphasize the theme.

**1.40 p.m.**

Prime Minister Kamla Persad-Bissessar, as Chairperson-in-Office, also received an invitation to nominate a local female artiste to perform at the Observance Ceremony at Westminster Abbey. This invitation is a first and will provide a significant boost to Trinidad and Tobago’s music and creative industries as the Commonwealth Day Observance Ceremony is broadcast to a wide audience throughout the Commonwealth. The country and particularly our local musical and cultural fraternity and the women of this country will be happy to know that Denyse Plummer will sing at Westminster Abbey.

Trinidad and Tobago’s culture is often recognized as vibrant, unique and cosmopolitan, with our Carnival and its related music and fashion forming a key part of our creative industry. However, for too long—[*Interruption*]

**Mr. Speaker:** I ask the Member for Point Fortin, particularly, to just allow the hon. Minister to speak in quiet. Thank you.

**Hon. Dr. S. Rambachan:** Trinidad and Tobago’s culture is often recognized as vibrant, unique and cosmopolitan, with our Carnival and its related music and fashion forming a key part of our creative industry. But, for too long the Carnival industry and its subsectors have remained fairly limited to the regional boundaries of the Caribbean, this despite our influence upon Carnivals in Toronto, UK and New York. There is a wealth of untapped potential for Carnival to offer highly lucrative business opportunities. Trinidad and Tobago must now look to this market and examine how best to build upon the existing interest in Carnival, maximizing our possibilities for exporting our music and Carnival-related fashion and celebrations.

To this end, the hon. Prime Minister and the Minister for Arts and Multiculturalism, hon. Winston Peters, will lead Denyse Plummer, Machel Montano, Patrice Roberts, Kernel Roberts, and youngsters Timel Rivas and Pranava Maharaj as cultural ambassadors. These artistes and others will represent Trinidad and Tobago at business, tourism and cultural promotional events and give select performances in order to showcase our Carnival industry and our music, thereby drawing attention to Trinidad and Tobago’s exciting and recently concluded biggest ever Carnival celebrations.

Mr. Speaker, the country will be shocked to know that private sponsorship has been secured for the cultural delegation and that no Government funding, I repeat, no Government funding, has been provided to the cultural contingent travelling to the United Kingdom.

Allow me, therefore, Mr. Speaker, on behalf of the hon. Prime Minister, to place on public record that the Government of Trinidad and Tobago is not paying for the artistes and their technical support personnel. I repeat, these costs are being met through private sponsorship, which does not include any state company. The Hon. Prime Minister and the Government, therefore, acknowledge the contribution of this committed group of artistes and those who have made their trip possible at no cost to Government. This is a demonstration of nationalism at its best and commitment to country which we all applaud.

Let me also take this opportunity to inform the national community that on Monday, March 14, an interfaith service to celebrate Commonwealth Day will be held at the Tunapuna Roman Catholic Church. This is a joint project of the Ministry of Foreign Affairs, the Office of the Prime Minister and Commonwealth countries with High Commissions in Trinidad and Tobago.

On Commonwealth Day, the Prime Minister Persad-Bissessar will fulfil obligations relating to two invitations in her capacity as Chairperson-in-Office, to speak at the United Kingdom Parliament and at the Commonwealth Parliamentary Association.

At 10.00 a.m. on the morning of Commonwealth Day, at the UK Parliament, Prime Minister Persad-Bissessar will deliver the opening address at a conference on Educating Women and Transforming Society. The conference is being organized by a consortium of leading education and women's organizations, spearheaded by the Council for Education in the Commonwealth and including the Commonwealth Secretariat, Soroptomists International, United National Commission for UNESCO and the Global Campaign for Education. This lecture will be delivered at the House of Commons Grand Committee Room.

The Commonwealth Day celebrations will conclude with a reception hosted by the Secretary-General of the Commonwealth, Mr. Kamallesh Sharma. On that day, however, at 11.00 a.m., at the Commonwealth Parliamentary Association, the hon. Prime Minister will deliver the feature address on the Commonwealth Day theme "Women as Agents of Change", to youth delegates attending the CPA Commonwealth Day programme. There are many other important meetings in which the Prime Minister and her delegation will be involved during this week.

*Commonwealth Week in the UK*  
[HON. DR. S. RAMBACHAN]

*Friday, March 11, 2011*

The Commonwealth Secretary-General, Mr. Kamalesh Sharma, is expected to brief the hon. Prime Minister as Chairperson-in-Office on preparations for the Commonwealth Heads of Government Conference in Australia and to provide an update on projects initiated by the hon. Prime Minister.

In addition to meeting with the Board of Governors and staff from the Commonwealth Secretariat, Commonwealth Foundation staff and heads of Associated Commonwealth organizations, Prime Minister Kamla Persad-Bissessar will also give interviews to Commonwealth, Caribbean and international media, including the BBC.

In addition, the Commonwealth Foundation is hosting the 14th Commonwealth Lecture and Mrs. Sonia Gandhi, President, Indian National Congress and Chairperson, United Progressive Alliance, India will be speaking on the Commonwealth theme of “Women as Agents of Change”. Prime Minister Persad-Bissessar has been invited to attend as Chairperson-in-Office.

The hon. Prime Minister, as Chairperson-in-Office, will attend the Commonwealth Local Government Forum (CLGF) Conference in Cardiff, Wales. The theme of this year’s Commonwealth Local Government Forum Conference is “Energizing Local Economies: Partnerships for Prosperous Communities”. The hon. Prime Minister will deliver the special keynote address at the opening ceremony and will also open the Commonwealth Local Government Forum exhibition, both of which will be attended by local government representatives and business persons from across the Commonwealth. Trinidad and Tobago has a stand at the exhibition to promote and showcase our various industries, our culture and our economy.

While at the CLGF Conference, the Prime Minister is expected to have a bilateral meeting with the Rt. Hon. Helen Clarke, the UNDP Administrator. In Cardiff also, the hon. Prime Minister will also meet with the Welsh First Minister at the National Assembly in Wales.

Recognizing the important role which High Commissioners play in the development of their countries and in promoting excellent international relations and peace, the hon. Prime Minister will meet with Commonwealth High Commissioners, where she will impress upon them the importance of their roles, not just as country representatives but as working bilaterally and with multilateral organizations to develop and reinforce strategies aimed at alleviating the problems, especially of small island developing states in the Commonwealth.

Mr. Speaker, in addition to all of this, the hon. Prime Minister will be accompanied by a very high-level group of self-funded business leaders from Trinidad and Tobago numbering 16. Sixteen of our most important leading business organizations will be represented at the level of CEOs in particular coming from the manufacturing, construction, banking, entertainment, hotel, as well as the Trinidad and Tobago Chamber of Commerce. These 16 members comprising the business delegation accompanying the Prime Minister and the Minister of Trade and Industry in particular are funding themselves and there is no cost to the Government of Trinidad and Tobago. This represents a level of confidence on the part of this group of business persons who represent the wider business community in what Trinidad and Tobago—and the Prime Minister—is attempting to do; to brand Trinidad and Tobago and to ensure that Trinidad and Tobago receives the best and most lucrative investments for this country and its people.

The objective of this visit to the UK is, therefore, also to provide key networking opportunities between Trinidad and Tobago business leaders and their UK and other business people and government representatives from throughout the Commonwealth. To date, over 100 business leaders have registered to participate in the conference with the Ministry of Trade and Industry and the Prime Minister.

During this visit also, the Prime Minister will launch the Caribbean Investment Forum, which is entitled “Partnering with Trinidad and Tobago to Create a Gateway to the Commonwealth and the Americas”. The launch of the Caribbean Investment Forum is being organized in conjunction with the Commonwealth Business Council and will be attended by prominent businesspersons and investors from throughout the Commonwealth. As I said, over 100 persons have already registered.

One of the primary objectives of the People’s Partnership Government is the diversification of the economy. This Caribbean Business Forum is, therefore, intended to attract new business organizations as well as to market Trinidad and Tobago as a gateway to the Commonwealth and the Americas. In the words of the hon. Prime Minister: “The forum will address innovative approaches to leverage competitive advantage in the region through enhanced trade and investment relationships.”

The business delegation will have several opportunities to promote Trinidad and Tobago’s economy through planned, promotional and media events. The Minister of Trade and Industry will also host a business networking reception at the Trinidad and Tobago High Commission, in order to facilitate bilaterals for the business delegates and companies or businesspersons interested in doing business in Trinidad and Tobago or working with their local counterparts.

*Commonwealth Week in the UK*  
[HON. DR. S. RAMBACHAN]

*Friday, March 11, 2011*

The business delegation will also take part in the launch of the Commonwealth Business Forum, which will be held at the time of the Commonwealth Heads of Government Meeting later this year in Australia, in October. This launch event will include business people and government representatives from the United Kingdom and from a cross section of people with a specific interest in strengthening intra-Commonwealth trade.

While in London, the hon. Prime Minister will launch the Children's Life Fund and seek to galvanize support for the local fund and the Pan-Caribbean Fund from amongst the Caribbean community resident in the UK. At the same time, a reception will be hosted by the High Commission for visiting ministerial, business and cultural delegations. This high-profile reception will be attended by prominent business people and business leaders in the UK and throughout the Commonwealth, also with an interest in doing business in Trinidad and Tobago, as well as a cross section of members of the media, and key people from the tourism industry along with several High Commissioners and Diplomats.

There are other engagements which I would like to refer to. The hon. Prime Minister will be engaged in a series of strategic meetings important for Trinidad and Tobago. In this regard, she will meet with Mr. Frank Chapman, Chief Executive Officer of the British Gas Group. The Prime Minister will use the opportunity to discuss, with Mr. Chapman, further investments by the BG Group in Trinidad and Tobago. The hon. Prime Minister, it will be recalled, has been promoting and marketing Trinidad and Tobago on her visits overseas. In fact, she has paid particular attention to meeting the diaspora. One can surmise that the 100 per cent booking of hotels that took place in Trinidad and Tobago would have included hundreds of nationals making the trip for Carnival 2011; a direct outcome of meeting the diaspora, which the Prime Minister did in the UK and in New York.

The hon. Prime Minister will also meet with Mr. Kier Starmer, the Director of Public Prosecutions and Head of the Crown Prosecution Service in the UK. This high-level meeting with the Head of the Crown Prosecution Service in the UK the Director of Public Prosecutions, Mr. Starmer, comes at a time when the Prime Minister and the Government have been pursuing strategies to improve the justice system and to improve the rate of prosecutions.

The 14th Commonwealth Lecture Series will be addressed by Mrs. Sonia Gandhi and this will be attended by the hon. Prime Minister. This occasion will provide the Prime Minister the opportunity to meet with one of the most powerful



female leaders in the world, more so, a leader from a country with which Trinidad and Tobago enjoys excellent diplomatic relations. India, as we all know, is one of the fastest growing economies alongside Brazil, China and Russia.

The Prime Minister has also been invited for discussions by Mrs. Cherie Blair, wife of former Prime Minister of the UK, Mr. Tony Blair, with whom she will discuss the work of the Cherie Blair Foundation for Women. This meeting will also be used by the Prime Minister to inform her own thinking on strategies to empower women in Trinidad and Tobago and the Commonwealth.

**1.55 p.m.**

Mr. Speaker, as can therefore be gleaned from the programme of activities of the hon. Prime Minister and her delegation, the promotion of Trinidad and Tobago as a preferred destination for investments, business, visits and even to live will be promoted. The presence of such an impressive group of persons from the business community is testimony to the confidence that they have in the hon. Prime Minister and her Government, and as well their commitment to growing Trinidad and Tobago in sustainable fashion. The hon. Prime Minister will report to this Parliament on the outcomes of her visit to the UK and on the Commonwealth Day observances. Mr. Speaker, I thank you. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, I understand that another statement is to be made by another Minister, but that statement is not yet ready, and therefore with your leave I shall have to revert to this particular item sometime later on in the proceedings. I would like now to revert to the item, "Presentation of Reports from Select Committees", and I call on the hon. Minister of Legal Affairs to present that report now.

[*Desk thumping*]

**JOINT SELECT COMMITTEE REPORT**

**Anti-Gang Bill  
Bail (Amdt.) Bill  
(Presentation)**

**The Minister of Legal Affairs (Hon. Prakash Ramadhar):** Mr. Speaker, I wish to present the following report:

Report of the Joint Select Committee established to consider and report on the Anti-Gang Bill, 2010 and the Bail (Amdt.) Bill, 2010. Thank you.

**STATUTORY AUTHORITIES (AMDT.) BILL**

*Order for second reading; read.*

**The Minister of Finance (Hon. Winston Dookeran):** Mr. Speaker, I beg to move,

That the Bill entitled an Act to amend the Statutory Authorities Act, Chap. 24:01 be now read a second time.

Mr. Speaker, it has become customary for us in this Parliament to set the future agenda for society and our people, and as I listened to the Minister of Foreign Affairs outline the details of the agenda upon which the hon. Prime Minister will be embarking in the next week, we have therefore begun not only to set the agenda for us here in Trinidad and Tobago but to set the agenda for the Commonwealth of Nations [*Desk thumping*] and, in so doing, Trinidad and Tobago.

So early in our term, Mr. Speaker, we have had two basic functions to perform in this Parliament. The first function has been to correct the mismanagement, to correct the mistakes, to correct the errors and to correct the omissions of the previous regime. [*Desk thumping*] It is a task that we have embarked upon faithfully and we continue to make those corrections as we proceed in our legislative and policy agendas.

Our second responsibility in this Parliament has been to set the action agenda and the prescription for the society which we are now attempting to shape. Today's Bill before us is indeed a very simple Bill but one that has come out because of an act of omission on the part of the previous regime. The amendment to the Statutory Authorities Act, Chap. 24:01, deals with a very simple issue, an issue of now authorizing the Government, through the Minister of Finance, to pay to the next of kin of deceased public officers who are employees of statutory authorities falling under the jurisdiction of the Statutory Authorities Act one month's salary.

I say this, Mr. Speaker, because the decision of the previous government was made almost ten years ago, I was told, on this particular issue. The fact that it has not seen the light of day and has not been brought to this Parliament until today, is but a reflection of the lack of priorities that that government had placed on the compassionate views that are necessary to manage the public service in our country, and therefore this Bill is simply to correct that omission. But it is significant because it is done in the context of providing even more opportunities for the protection and equity among the public service and the society.

Mr. Speaker, the provisions of the Civil Service Act, Chap. 23:01 provides at section 32 that:

“Whenever a public officer dies the Minister shall order that a month’s salary of the officer, from the date of his death, shall be paid to his widow or to his children or other next of kin.”

The Bill before us is simply to add a new section 29 to the Statutory Authorities Act which will now allow this to take place. So that this omission of ten years or more will now be corrected and the public servants who have had to forego this very paltry support will now be rectified in the future. [*Desk thumping*]

Let me at the outset say that this benefit upon death is not the only benefit available to public servants. Indeed, in the National Insurance Act there is a death benefit that is available to public servants who may access that. In addition to that, Mr. Speaker, we have been discussing the issue of introducing an insurance—based death benefit to public servants. We hope as we formulate modern legislation to deal with the protection of the public service, that we will be able to introduce an insurance-based death benefit to public servants, along with a comprehensive programme for extending medical coverage to the public servants, beyond the individual, but to their entire family. In one short space of time therefore, Mr. Speaker, we have been able to put forward measures that will protect the interest of public servants upon death and in life, both in terms of the medical insurance programme that we are now discussing and in terms of the insurance-based death benefit.

So lest it be said that this is a paltry sum, one month’s salary, this must be seen in the context of a wider programme of support; and that only deals with this aspect of one’s well-being. Mr. Speaker, hon. Members will note that the intent and purpose of this provision is to allow for the payment of one month’s salary to the family of a deceased officer so as to assist with expenses incurred immediately following the death of that officer. This benefit, currently, is conferred upon civil servants by the application of the Civil Service Act, and it is to be noted that family members of officers employed within the statutory authorities were not afforded the same right. And the purpose of this amendment is to remedy that gap which existed in law and that is why I said that underlying the purpose of this Bill, is to establish equity between those who are working under the Civil Service Act and those who are working under the Statutory Authorities Act.

**2.05 p.m.**

In passing this Bill, there will be a benefit to families of persons employed in a number of organizations which are declared by the Statutory Authorities (Declaration) Order to come within the jurisdiction of this Act, and these are as follows:

Sugar Industry Labour Welfare Committee;  
Cocoa and Coffee Industry Board;  
Agricultural Society of Trinidad and Tobago;  
Zoological Society of Trinidad and Tobago;  
National Lotteries Control Board;  
St. Michael's School for Boys;  
St. Dominic's Children's Home;  
St. Mary's Children's Home;  
Jude's School for Girls;  
boroughs of Point Fortin and Arima; and  
cities of San Fernando and Port of Spain.

These bodies will now be given the protection of this very simple support for compassion in times of stress and will, therefore, engage a number of new participants in accessing this particular facility.

As I indicated, this has been long in coming because for some reason it has never been given priority attention. This Government, as you know, has been engaged in providing, particularly for the public service, a working living wage that will provide the kind of support that we have recognized for a long time that they deserve and we start, not only with this, but with a reformulation of the national pension plan. I will say a few words about that later.

It became apparent that there are certain issues that also must be addressed on cohabitation because the laws have been amended elsewhere in order to take into consideration a new definition of cohabitation. It is in this context, therefore, that we have also attempted in this Bill to affirm the rights of common law cohabitants as well as dependants who will now fall within the category of next of kin.

The definitions, contained in the Civil Service Act, of "widow", "children" and "next of kin" place limitations upon the persons to whom the proposed new benefit will be afforded; limitations which were notably eroded by the application of other pieces of legislation and these are as follows:

- Firstly, the Cohabital Relationships Act, Chap. 44:55, in which bona fide cohabital relationships between unmarried cohabitants were recognized and provisions made to confer upon cohabitants rights protecting property maintenance and other matters.
- Secondly, the Administration of Estates Act, Chap. 9:01, in which “cohabitants” means persons of the opposite sex who, while not married, continuously cohabited for a period of five years in a bona fide domestic relationship which is recognized.
- Thirdly, the Status of Children Act, Chap. 46:07, in which it is provided that a child born out of wedlock enjoys the same status, rights, privileges and obligations of a child born in wedlock.

In light of these legislative enactments over recent times, it is now necessary, in making the amendment to the Statutory Authorities Act, that we incorporate this change in thinking. Therefore, these principles are now espoused in the Act before us and remove another anomaly. Small as it may be, it did not seem to have attracted the priority in dealing with the issue of the public servants employed in the statutory authorities.

The proposed amendment to the Statutory Authorities Act, therefore, reflects a new approach and confers rights upon spouses or cohabitants, as the case may be, and recognizes that “child” includes children born in or out of wedlock and in respect of those who have not before now been involved with respect to an adoption order or matters of that nature.

The Statutory Authorities (Amdt.) Bill is, therefore, brought before this House with the intention that upon the death of an employee of a statutory authority, the Minister of Finance will order that an amount equal to one month’s salary as at the date of death be paid to that officer’s spouse or cohabitant or, in the absence of spouse or cohabitant, to his or her children or parents.

Mr. Speaker, this particular provision must be seen now in the context of the Government’s full public commitment to improve the plight of public service workers in general and that is why we have been engaged in the continuation of a programme of pension reform. Pension reform has been an issue before the national community for many years—too many years to count—and it has not yielded any real benefit. Today, the situation remains one in which there is utter confusion with respect to the legislative arrangements pertaining to pension. More than that, there is no systematic approach to dealing with the issues of pension affordability in Trinidad and Tobago.

We recognize, as we attempt to protect the incomes of those who are today part of the society, that we must also protect the next generation; we must also protect the pensions of our workers and extend that beyond the public service into the national community.

Consistent with that prescription to move forward and the action agenda I spoke about, we have been engaged within recent times in detailed discussions on what we call the development of a harmonized universal pension programme. This total harmonization of the public and private sector pension system in Trinidad and Tobago has been given a high priority in planning for the future.

The plan is to ensure that, post retirement, a comfortable standard of living may be enjoyed by all in Trinidad and Tobago. You see, Mr. Speaker, while we are in some difficult times, we are not allowing the difficulties of today to cloud the vision of a better tomorrow. [*Desk thumping*] And while we unravel what is before us, and have done so with a certain amount of prudent management, we are setting the foundation for that tomorrow.

Already we have identified five areas in which we shall embark on a detailed programme of pension reform. The first area has to do with the reduction of the vesting period from 10 years to two years. Reducing the vesting period would result in persons involved in the government service having the ability to secure retirement benefits within a shorter period of time. For too long have those who have retired had to wait for years to get their pension rights. We believe that must be something of the past, like the past government. We believe we must engage in something of the future.

This measure will also allow for greater mobility within the government service as employees could transfer from one service to another without the risk of losing pension benefits. Government service here is construed in the widest sense to include movement to and from statutory authorities, municipalities and ministries.

Mr. Speaker, we intend to free up the public servants so that they can move with a greater amount of confidence within the public service and retain their pension in so doing. By reducing the vesting period from 10 years to two years, we will achieve some of these goals that I have outlined.

The second premise upon the work that has been done is the removal of the 33 $\frac{1}{3}$  years cap. You know, Mr. Speaker, that as of now persons employed in the government service, having worked for a period in excess of 33 $\frac{1}{3}$  years, receive benefits equal to those who cease to remain in the employment beyond that period. In other words, their pension benefits are calculated on 33 $\frac{1}{3}$  years although they

may have worked more than that for various reasons. Those additional years are not taken into account for the purpose of calculating retirement benefits. This results in the application of the current Pensions Act by which a person will not continue to accrue retirement benefits once employed in the public service beyond 33½ years.

Steps are being taken to remove that harsh restriction so that the person employed in the government service will have all his years' service counted toward his retirement benefits package. I am sure my colleague, the Member for Point Fortin, will appreciate what this means to the elderly workers in our communities. *[Interruption]* Sorry. The Member for Pointe-a-Pierre and also the Member for Point Fortin.

The third aspect under consideration in developing this proposal has to do with the introduction of pension portability. Currently, an employee's retirement benefit is restricted, so there are only a few instances where an employee can move from one clearly defined government organization or statutory body to another government organization or statutory body without losing his pension benefits. An employee is, therefore, restricted when contemplating transferring or taking up employment in other organizations because of the risk of losing his pension benefits.

This will invariably impact negatively on an employee's dynamism, growth and personal development by restricting his ability to seek new experiences elsewhere. Pension portability will cure this effect as employees will now be able to move from one organization to another without the fear of losing pension benefits.

The fourth premise upon which the pension programme is being developed has to do with improved survival benefits, which this Bill is about. Pension benefits are currently payable under the Widows' and Orphans' Pensions Act, which restrict payments or pensions benefits to the wife and children of the deceased employee. The Act does not have within its contemplation persons who live in cohabitational relationships, stepchildren or adopted children. While an application may petition the court to allow for pension under the Cohabital Relationships Act, this is extremely harsh and onerous given the reality of today's society and the expansion of the definition of family to recognize relationships outside the conventional norms.

Furthermore, there is great difficulty in applying the formulas stated in the Act when the deceased employee has many children. It is in this context, therefore, that we shall improve survivors' benefits in this programme being developed at this time.

**2.20p.m.**

The fifth and final premise upon which we have embarked a change is the automation of the pension system. Many persons today are faced with the problem of delay in the calculation of payments of pension benefits, which I referred to earlier. In some cases, payments were commenced after a period as long as a year, this has been the due, we are advised, because employee records are kept in various organizations throughout the service and records are manually kept on file and may be lost or misplaced or would sometimes take a long time to compile.

The proposal therefore, will be to cut down the time taken to make payments to employees, as it is envisaged that the entire pension system will now be automated. This means that the employee pension records will be available electronically and will allow for faster compilation and calculation. This will also allow the employees to monitor pension benefits, so that employees can begin to plan for his or her retirement with the benefit of easily available information early in his career.

Mr. Speaker, you see, these are not new ideas, these are ideas that have been discussed for some time, these are ideas that have been in the books of the consultants for some time and more recently these ideas have re-emerged as important ideas of pension reform. If there is one thing that we have resolved in this Government, it is to make the change that this country voted us for and one such change is to provide a pension programme for the public servants that they would be proud of in the future. [*Desk thumping*] We shall not talk about it, we shall work towards it. To that end, we have not only re-engaged the current consultants who were on board at the time, and who have been doing the necessary statistical work that is required to make this a reality, we have recently engaged one of the international institutions, which is the World Bank, to work with us on the development of a harmonized and modernized pension legislation. They did visit us some time ago and they have begun to look at the complexity of the problem and the way ahead. As I said, we are developing action agenda action for the future.

There are 23 pieces of legislation that govern the payment of pension benefits in Trinidad and Tobago. Needless to say, this is complex to administer as benefits within various organizations differ. Within these 23 pieces of legislation, there are inequities for example, the provisions sometimes are made for only women, and not for men; this is archaic, unacceptable, and there is an urgent need for legislative reform to ensure equality under the law.

It is therefore proposed, that we would consult with the wider community and develop a new Act in Parliament to bring about a harmonized pension Act that would incorporate the removal of all the inequities of which I spoke and so provide



that kind of support for the retirement benefits of our public servants. We will go beyond that, we will try to embrace the private sector to joining a national pension plan, so that they too will have the security of pensions in the future.

Mr. Speaker, having engaged the necessary consultants, we are moving ahead with great speed. The first step is to complete the diagnostic that is now before us. And detailed work is being done to complete the diagnostic—some of the issues I have raised here today are indications of the complexity of the problem, but it is a problem that has to be resolved, because unless we are able to provide protection for our citizens of this for the future—they will always be insecure about their present incomes. And one of the things we are trying to do, is to provide that protection for retirement benefits, so that we do not have to become so obsessed with today's income alone. I make this call also to all public servants, that while we deal with the problems of today, within the constraints of the realities of today, we are doing so with an eye for that better tomorrow, for the welfare of our public servants, and for the welfare of the citizens of Trinidad and Tobago during the retirement period.

In terms of fiscal impact, Mr. Speaker, we recognize that this will not be able to be financed in a short period of time, and we are also working out a plan that will finance this over time. As of now, we are hoping to complete this exercise within the next 18 months, so that we can come to this Parliament with a comprehensive, affordable plan to deal with retirement benefits for all the people of Trinidad and Tobago. It is in this context, the Bill before us is being laid today; a small step, but a step that ought to have been taken a long time ago; a step that will bring equity or at least reflect a symbol of compassion, but it is being done in the context, Mr. Speaker, of an action agenda for tomorrow.

Mr. Speaker, I commend this Bill to the hon. Members, not only because it has been long overdue, not only because it is correcting an omission of the past, not only because it has not been able to be given the priority that it deserves, but because it reflects the commitment of this Government to pursue its social programme on the basis of compassion, equity and equality for all in Trinidad and Tobago.

We have had a tremendous set of initiatives already in that direction and I think the entire country is aware of the initiative of the Prime Minister in setting up of the Children's Life Fund. Recently, we took a decision to open an account in London, so that those of our citizens abroad who wish to contribute to that fund can do so and we are finding that this in fact is one of the things that the Prime Minister will be doing elsewhere in due course. [*Desk thumping*]

*Statutory Authorities (Amdt.) Bill*  
[HON. W. DOOKERAN]

*Friday, March 11, 2011*

We have also introduced a minimum pension, of which there was an unnecessary and useless debate by the Opposition, but I think the country has discounted the debate already so I do not think I need to revive it, but it is part of the programme. The Minister of the People and Social Development has been working towards upgrading the kind of social support for those in the community who have been denied that kind of opportunity. And I think we are all aware that this programme has been moving with great haste and with great effect.

So, Mr. Speaker, as I commend this amendment to the Statutory Authorities Act in Trinidad and Tobago, I do so with a firm sense of relief that for once our country is looking ahead, debating the issues of tomorrow, and we shall no longer be imprisoned by the issues of the past, in which this Opposition wants us to remain. We have passed that stage, we are moving forward, we are setting the agenda in the Commonwealth, we are setting the agenda in the Caricom region. [*Crosstalk*]

**Mrs. Gopee-Scoon:** What Caricom?

**Hon. W. Dookeran:** We are setting the agenda in Trinidad and Tobago and we are doing so on the basis of hard work, not rhetoric; on the basis of real commitment, not false promises; on the basis of a truly great society in which we intend to set the foundations for all of us. And I beg to move.

*Question proposed.*

**2.30 p.m.**

**Mrs. Patricia McIntosh** (*Port of Spain North/St. Ann's West*): Mr. Speaker, I am pleased to join this debate this afternoon in this honourable House on the Statutory Authorities (Amdt.) Bill, 2010. Mr. Speaker, if we read the Explanatory Note of the Bill, we will see that it purports to amend the Statutory Authorities Act, Chap. 24:01, in order to empower the Minister to grant one month's salary to the family of a deceased employee of a statutory authority in accordance with the priorities set out in the Bill.

Mr. Speaker, before I proceed, I would like to state that I am forever mindful that when I speak to you, I also speak through you, to all the Members of this honourable House and, indeed, to the national community at large and, particularly, to my constituents of Port of Spain North/St. Ann's West. Having said that, I am painfully aware that on many occasions when Bills are presented to this honourable House, hon. Members do not spend the time and care that is necessary to ensure that the public fully appreciate exactly what the Bills purport to achieve and the implications for members of our citizenry. [*Desk thumping*] We often fail to walk our citizens through the Bills so that they understand how the passage of those Bills would impact their lives and the lives of their loved ones.

As I listened to the hon. Minister of Finance, a man for whom I have great regard, I was a little disappointed. At first, I was impressed by his attempt to explain the Bill and what it is purporting to achieve until he began to degenerate—I was very sad about this—into apportioning blame to the previous administration for acts of omissions, mistakes, errors and missteps, et cetera. So often I find, especially in the case of hon. Members opposite, that they spend so much time castigating, criticizing and condemning the previous regime that they lose focus of the Bill under review and what it is purporting to do. [*Desk thumping*] I found that is what happened in the case of the presentation of my hon. friend, the hon. Minister of Finance. Mr. Speaker, as such, as an educator, it beholds me to undertake this responsibility, especially when we have Bills such as this Statutory Authorities (Amdt.) Bill that deals with bread and butter issues that touch the heart and soul of the national community.

I have heard many of the speakers, both here and in the other place, term this Bill as a “simple Bill”. It might be a simple Bill prima facie, but looking at it more deeply and analyzing it, it must be clearly understood by those who stand to benefit from this amendment, and there are many implications and nuances that I feel are not being explained to those who would benefit from this Bill. Mr. Speaker, this Bill and its amendment could have far-reaching implications for the regularization of pension benefits and grants to all employees of the public service.

Mr. Speaker, while the hon. Minister spoke of the omissions of the previous regime, it is precisely because of legislation proclaimed under previous regimes—I am not only speaking about the PNM, but also under the UNC—that we can now incorporate parts of those legislation into Acts like the Statutory Authorities Act and to make them more effective and enhance them so that those who fall under the jurisdiction of these Acts can benefit more from them. So, I would not blame these administrations. We have to evolve, and this is what I am going to show; the evolution of law that has taken place and it takes place in every single country. [*Desk thumping*] Mr. Speaker, that is how law evolves. You do not blame people because things did not happen.

Mr. Speaker, we are dealing here with the Statutory Authorities (Amdt.) Bill, 2010, but how many members of the public really understand what is meant by the term “statutory authorities”? As I said, my role will be to explain, to elucidate and to enlighten our public. I have to say, once an educator, always an educator. [*Desk thumping*] Mr. Speaker, “statutory authorities” as the name implies, are creatures of statute or law. Our public, many of them, do not even understand the word “statute” and we use these legalese and these terms in this honourable House without being

*Statutory Authorities (Amdt.) Bill*  
[MRS. MC INTOSH]

*Friday, March 11, 2011*

mindful that we are also speaking, through you, Mr. Speaker, to our national community and to the man in the street, and we have to break down these terms so that they would understand.

Statutory authorities are agencies enacted by Parliament and they assist Parliament in carrying out the work of Parliament. Mr. Speaker, if we look at the report of the Statutory Authorities Commission for the period 2009/2010, it lists all the agencies that comprise the statutory authorities. I am not going to list them again because, indeed, the hon. Minister did list all these agencies that fall under the statutory authorities. What I would like to say is that all the employees employed under these statutory authorities will be affected by the passage of this Bill. I am glad the Minister read out each one of the agencies so that people who are employed in these agencies will realize that they will be directly affected. At a glance, I can see—I have here the report of the Statutory Authorities Service Commission—at least four of these agencies are located in my constituency, so I am very concerned that my constituents understand what they will be entitled to when this Bill is passed.

Mr. Speaker, all statutory authorities are governed by regulations enacted by Parliament and, as such, they come under the scrutiny of Parliament. That is exactly why we are here today. We are here today to scrutinize this amendment to the Statutory Authorities Act, Chap. 24:01 and to analyze its implications for the members of our society who come under its jurisdiction.

Mr. Speaker, permit me to draw to the attention of this honourable House, to clause 2 of the Bill which states:

“The Statutory Authorities Act is amended by inserting after section 28, the following section:

- “29. (1) When an officer dies, the Minister shall order that an amount equal to one month’s salary of the officer, as at the date of his death, be paid to the officer’s spouse.
- (2) Where the officer has no spouse, the payment referred to in subsection (1) may be made to the officer’s cohabitant.
- (3) Where the officer has no spouse or cohabitant, the payment referred to in subsection (1) may be made to the children of the officer and where the officer has no children, the payment may be made to the parents of the officer.”

Mr. Speaker, I would like to pause here before I go on to the rest of the clause. Mr. Speaker, this is not a new clause—sorry, it is a new clause that introduces a benefit that was formerly pertinent only to those employed in the civil service.

Mr. Speaker, I should like to draw this honourable House's attention to Chap. 23:01, section 32 of the Civil Service Act which states:

“Whenever a public officer dies the Minister shall order that a month's salary of the officer, from the date of his death, shall be paid to his widow or to his children or other next of kin.”

Mr. Speaker, the insertion of this section 29(1) is very important. I do agree with the hon. Minister that it brings a level of equity or parity to the death benefits received by families of officers within a statutory authority. Mr. Speaker, you would notice from what I just read in the Civil Service Act that this legal entitlement refers only to persons in a marital situation, a legal union and children born in wedlock. Mr. Speaker, it is noteworthy that in clause 2 (1), (2) and (3) of this amendment that the officer's beneficiaries are stated in hierarchical order. In the first instance, it recognizes the officer's spouse, in the second, the officer's cohabitant and in the third, the officer's children and parents. In doing so, this clause does extend the net to include all those who become eligible to claim this proposed death benefit.

Furthermore, in subclause (4), which is the definition section, it goes on to proffer a clear and unambiguous definition of “spouse” and it says;

“‘spouse’ means a husband or wife and in relation to a deceased person, a widow or widower;

‘cohabitant’ means a person of the opposite sex who, while not married to the officer, continuously cohabited in a *bona fide* domestic relationship with the officer for a period of not less than five years immediately preceding the death of the officer;”

Mr. Speaker, I am, indeed, pleased that this latter subsection 29(4) recognizes the contribution of officers in a common-law relationship. It recognizes a common-law wife, husband, significant other or whatever name you might give them, who may have lent significant support both emotionally, psychologically and even domestically to the officer during his or her tenure as an employee of the particular statutory authority.

Mr. Speaker, in most cases, a surviving cohabitant is a woman, and as a woman myself, I am particularly pleased that the law has evolved to this point where it now recognizes a woman in a common law relationship; a woman who, in most instances, would have supported her common-law husband dutifully to allow him to execute his duties and responsibilities in a very effective and efficient manner.

*Statutory Authorities (Amdt.) Bill*  
[MRS. MC INTOSH]

*Friday, March 11, 2011*

Mr. Speaker, indeed, formerly, a woman in a long-standing and, I dare say, oftentimes a long-suffering common-law relationship, was not recognized and was left penniless upon the demise of her common-law husband. We on this side have no problem with this amendment. It is a very good importation of existing laws into this Act to enhance this Act, to make it a better Act.

**2.45 p.m.**

But, Mr. Speaker, while clause 29 is new to the Statutory Authorities Bill, such legislation is not new to the laws of Trinidad and Tobago; it is not new. We have to give previous administrations the credit for having the foresight to have such laws proclaimed in Trinidad and Tobago.

Mr. Speaker, if we examine the Administration of Estates Act, 2000, we shall see under Chap. 9:01 under the Distribution of Estates, section 25(1) speaks to the rights of cohabitants, and I quote:

“Notwithstanding section 24, where an intestate dies leaving no surviving spouse, but dies leaving a surviving cohabitant, the cohabitant shall be treated for the purposes of this Act as if he or she were a surviving spouse of the intestate.”

So, Mr. Speaker, we see the recognition of the cohabitant there. I should also like to refer to the Cohabitational Relationships Act, Chap. 45:55, which in section 2(1) describes a cohabitational relationship as a relationship between cohabitants who, not being married to each other, are living or have lived together as husband and wife in a *bona fide* domestic relationship. So this has been recognized by previous legislation—the cohabitational relationship.

Mr. Speaker, Barbados was the only country in the Caribbean that had recognized common-law relationships for a very long time and, indeed, their laws have been more progressive than ours and more advanced. And I am pleased to see that now, albeit it has come late, in Trinidad and Tobago, the Statutory Authorities Bill has taken recognition or cognizance of the legal rights of cohabitants in its amendment.

Mr. Speaker, clause 2—section 29(4)—of the Statutory Authorities Bill goes further to include a definition of children and I quote:

“Children means children born to the officer, or children in respect of whom an Adoption Order has been made under the Adoption of Children Act, and includes those who have attained the age of eighteen years.”

Mr. Speaker, in respect of the legal recognition of children, I would like to draw this honourable House's attention to the Status of Children Act, No. 17 of 1981 and I would like to refer to Chap. 46:07, section 3(1):

“Notwithstanding any other written law or rule of law to the contrary for all the purposes of the law of Trinidad and Tobago—

- (a) the status and the rights, privileges and obligations of a child born out of wedlock are identical in all respects to those of a child born in wedlock,”

And I would like to go, Mr. Speaker, to section 4(2), which says:

“save as provided in subsection (1) this Act applies to persons born and instruments executed before as well as after its commencement.”

So we have the retroactivity of this law here so that no child, no child, is labelled illegitimate.

Mr. Speaker, again this recognition of the status of children serves to create equity in how children are treated, how they are regarded and what benefits they accrue under the laws of Trinidad and Tobago. Mr. Speaker, as someone who has been in the profession of educating and nurturing children, I am pleased to see that all children, whether born in wedlock or out of wedlock, are recognized by law and thus are natural beneficiaries of their parents. But, as I say, this is not new, this Act was proclaimed since 1981, so this is nothing new. I am glad it has been adopted in this amendment. And, of course, Mr. Speaker, this legal entitlement also extends to children who have been legally adopted and again I am pleased about this.

So, Mr. Speaker, I have carefully analyzed these clauses and, through you, I hope that the national community would have understood what all these different clauses purport to achieve and, from what I have said, we can see that this Bill will provide a wider catchment to persons who were formerly disenfranchised and who now stand to benefit from this new legislation. It is indeed a good Bill, Mr. Speaker, and we shall support it but we do have some observations to make. So, we on this side of the House would like to assure the hon. Members on the other side that we do not have any problem with this amendment, but we must admit that over the successive years we have seen where the various governments have sought to regularize the status of next of kin. And we saw that we had the Status of Children Act, 1981, the Cohabitation Relationships Act, 1998, the Administration of Estates Act, 2000, et cetera.

Mr. Speaker, this evolution of law is reflected in the amendment to the Statutory Authorities Bill, 2010, and the importation of existing legislation into this Bill will bring the equity to those officers employed with the statutory authorities, and indeed, to their families who will fall under the jurisdiction of this improved and enhanced legislation.

*Statutory Authorities (Amdt.) Bill*  
[MRS. MC INTOSH]

*Friday, March 11, 2011*

Mr. Speaker, I would respectfully recommend that this Government amend the Civil Service Act which does not make provision for either cohabitants or children born out of wedlock. I had read the Act and we saw there was no mention of cohabitants or children born out of wedlock; it spoke of spouses in a legal union, a marital setting, yet, we are left to wonder why this amendment has not as yet been extended to the Civil Service Act, in conjunction with the amendment that is being presented here in this Statutory Authorities Act. While we on this side, Mr. Speaker, welcome this progressive legislation—we call it progressive because it is—we are of the opinion that legislation is being brought to this honourable House in a very piecemeal fashion.

Mr. Speaker, this Bill reminds me or is reminiscent of the Finance Bill which we debated last year in this honourable House. The senior citizens were promised \$3,000 and in granting them this, at least partially, because they do not all receive this, other pensioners in the public service had to have theirs increased thereafter and their pensions increased from \$1,650 in some cases and \$1,950 in other cases to \$3,000 in an effort to establish some degree of parity or equity in respect of pension benefits.

**2.55 p.m.**

Mr. Speaker, while we commend the Statutory Authorities (Amdt.) Bill 2011 as a progressive piece of legislation, we would like to see a more holistic approach to the presentation of legislation in this honourable House, an approach that would bring equity and parity, across the board, in the public service. Hon. Members on this side would like to see all officers employed with the statutory authorities and civil service ranking equal, ranking *pari passu* in respect of grants and benefits. [Desk thumping]

We on this side are advocating for equal benefits for each and every employee of the public service. In this vein, we are recommending that the Government bring to this House a proper legislative agenda to address all pensions, grants and benefits to all public servants so we could address this issue, once and for all.

Mr. Speaker, I have the manifesto of this UNC-led coalition in my hand, their policy document. In No. 27, I see it was promised that:

“We will establish a legislative agenda aligned to our one-year action plan to establish the sequence of flow of Bills to Parliament in the first year.”

Further on they even promised to present to this honourable House an action plan. Well, we are still awaiting anxiously both a legislative agenda and an action plan. We do not have that yet; probably it would come one day.



May I recommend, given the rising cost of living, that in respect of officers at the bottom rung of the earning totem pole, that a baseline payment of \$5,000, in lieu of the one-month salary, upon the death of the officer, be seriously considered. [*Desk thumping*] This is because these employees earn as little as \$3,000 a month, and this amount would have very little impact on the rising cost, the very high cost, of staging a funeral. If this Government is presenting itself as a very caring and empathetic one, then it must appreciate that this benefit is a one-off payment, a send off in a respectable manner to an employee who has made a meaningful contribution to national development.

Furthermore, this one-off death benefit, that this Bill is purporting to establish, actually has its genesis in the Co-operative Societies Act of 1981, which has a nominated beneficiary form. The law contained in this Act is even wider and, in this regard, it recognizes any nominated beneficiary who is eligible to receive \$5,000 upon the death of a shareholder. Of course, any sum in excess will form part of the estate and be subject to the law of the land. This Act is even more progressive and liberal than our Statutory Authorities (Amdt.) Bill. I would like to refer to the Co-operative Societies Act, Chap. 81:03, section 41(1):

“Where a person has been nominated as beneficiary by a member in accordance with the bye-laws of a society and such nominee is admitted to membership in the society, the society shall within one year of the death of the member by whom the nomination was made, transfer the shares or interest of such deceased member subject to the limit specified in subsection (3) to the nominee.”

So the nominee gets that money. I rather like the Co-operative Societies Act, in that, you have a nominee. Now we have a lot of groups agitating, advocating for equal rights, gay rights, et cetera. This Bill does not specify husband, wife, spouse, child or whatever, it has a nominee. It just specifies “nominee”, the person that the officer would like to be the beneficiary of the moneys.

While we appreciate the financial constraints under which the hon. Minister of Finance is operating, I would like to propose a similar baseline payment of \$5,000 to public servants who toil at the lowest level of the economic ladder. In this way, we might be able to establish some degree of parity and equity in respect of benefits and grants. I should also like to urge the hon. Minister to bring to an expeditious settlement the issue of outstanding payments to public servants. This is very topical and sensitive at this time. It is a very sensitive issue at this time, and I urge the hon. Minister to ensure that negotiations between the Chief Personnel Officer (CPO) and the public servants are settled as soon as possible. This impasse is exerting a negative impact on our economy, as so many public servants are staying away from work.

*Statutory Authorities (Amdt.) Bill*  
[MRS. MC INTOSH]

*Friday, March 11, 2011*

People are looking at benefits, not in a myopic sense, not today for today, but they are looking down the road. They are looking to the future; they are looking at benefits for themselves and for their families, particularly since inflation is eating away at their very limited disposable income. So a monthly increase from, say \$4,000 to \$6,000 a month, will necessarily translate to a better basket of goods for our public servants.

I should also like to recommend that the hon. Minister pay attention to the prevalence of temporary employment throughout the public service. There exists an urgent need to address the long-winded, bureaucratic recruitment process, in order to expedite permanent appointments, especially within the statutory authorities. Public servants are silent workers who ensure that the machinery of State is well oiled and working. If this Government is a truly caring one, it would seek to resolve this untenable situation expeditiously.

Mr. Speaker, if the bureaucratic process proves to be too bungling to be unravelled expeditiously, may I ask the question: Could the Government not seek to enact some sort of legislation that would make provision for those employees with, at least, 10 years continuous service in a temporary capacity, so that they too may become eligible for the benefits under the jurisdiction of this Statutory Authorities (Amdt.) Bill, 2010? [*Desk thumping*]

Mr. Speaker, as I conclude, I have some more important recommendations to make. I hope the hon. Minister of Finance is listening carefully. We also agree that the proposal is commendable, but having really scrutinized the clauses, I have to say that payment is not automatic, but requires an order from the Minister. The use of the words “The Minister shall order”, makes it mandatory for the Minister to order the payment. However, there is no time frame by which he should make that order. The Bill does not specify a time frame by which he should make that order. Also, there is no requirement for payment to be made within a specific period of time and, hence, payment could be dragged on, thus minimizing or even negating the purpose for which this Bill is intended.

This Bill is intended to bring immediate relief, as the hon. Minister said—the caring Government, very concerned about people—to an officer’s family at the time of his death, but there is no specific time frame for the order or the payment to be made, so it could be dragged on as long as it would take and negate the purpose for which it was intended.

I am a member of a credit union and, under the Credit Union Act, I just have to present the death certificate of any of my relatives and I am paid the money immediately; immediately. Probably we should take a page from the book of the

credit unions. We talk about a cohabitant being a beneficiary; we live in a society where someone could have more than one cohabitant. Some of the hon. Members over there probably know what I am talking about, more than one cohabitant. [*Crosstalk*] [*Laughter*] They could all claim to be entitled to the payment; what would we do then? [*Crosstalk*] There is no next of kin mentioned here. I heard the hon. Minister of Finance talk about next of kin. I picked up my Bill, in case I had missed it, but I knew I had scrutinized this very well. I picked up my Bill again and I looked through those fine nuances and the little things left out, so that when it is time to claim, people would get trouble.

So the Minister of Finance is telling me that if I am an employee of a statutory agency, I must be married; have a spouse; I must have a cohabitant, if I do not have a spouse; my parents must be alive to claim this or I must have a child or I must have adopted a child. But if I am a single woman, with none of these family members, why is there not a next of kin? For example, my brother or sister might be living with me or close to me, why can they not be entitled to claim this death benefit? At least that could go toward my burial. [*Desk thumping*] I feel that “next of kin” should be also mentioned here.

**Mr. Dookeran:** It is.

**Mrs. P. McIntosh:** We speak of adopted children, and I am very glad, because there are so many children who are adopted and need to be recognized. I was hoping to also see wards of legal guardians being recognized also under “children”. As an educator, whenever we write the parents, we always put “Dear Parent or Guardian”, because in my constituency and in the schools in which I have taught, there are so many children who are wards of legal guardians; guardians who had been appointed by the court.

I draw this honourable House’s attention to the Family Law (Guardianship of Minors, Domicile and Maintenance) Act 2000, chap. 46:08, section 13(1) where it says:

“The Court may on the application of the father or mother of a minor (who may apply without next friend) or of a stranger make such order regarding—

- (a) the legal custody of the minor; and
- (b) the right of access to the minor of the applicant or of any other person,...

So the court recognizes a legal guardian. I am wondering if that could not be extended. [*Interruption*]

**Dr. Moonilal:** Thank you for giving way, Member for Port of Spain North/St. Ann's West. I am following your recommendations. Are you suggesting there might be persons working in the statutory authorities who have legal guardians?

**Mrs. P. McIntosh:** No. We are looking at the beneficiaries and we are looking at spouse; when the officer has no children, that the payment be made to the parents and so, but we are looking at the beneficiaries, children. I am looking at children meaning children or children in respect of whom an adoption order has been made. But what about children who are wards? This is what I said. You were not listening to me carefully; wards with a legal guardian.

**3.10p.m.**

Legal guardian is like the parent.

**Mr. Imbert:** Very good point!

**Mrs. P. McIntosh:** They are wards who have not been adopted for one reason or the other. I have met so many of them and that is why in schools, almost all schools that I know, where I have worked, when we write to the parents, we do not just write "Dear Parents", or we write "Guardian", because so many of these children have legal guardians, they might have not been legally adopted as yet but they have legal guardians.

Many of these children, Mr. Speaker, spend most of their youth, their childhood and teenaged days, under the protection and care of these guardians and they do support these guardians and do much work for them, I know that in the home, et cetera, and they too, deserve to be recognized.

**Mr. Imbert:** Quite right!

**Mrs. P. McIntosh:** Mr. Speaker, talking about children, I would like to make the point—and I hope the hon. Minister is listening—through you, Mr. Speaker; there can be children of different spouses, cohabitants or partners, to whom will the payment be made? To all the children in equal shares? It does not state it—to the first-born child, or to the child who presents himself first and makes the claim? Who will claim? Which child will make the claim?

Mr. Speaker, subsection (5) purports to deal with issue. It is intended to give valid, and I will read subsection (5):

“Any payment made in the pursuance of this section shall be valid against all persons and all persons acting under this section shall be absolutely discharged from all liability in respect of monies duly paid by them under this section.”

So this subsection really absolves the Minister or any of his agents of any liability having made the payment.

Mr. Speaker, may I respectfully suggest that at the beginning of this subsection the following phrase be inserted: “After being satisfied as to the bona fides of the person to whom such payment shall be made,” and we go on, “any payment made”—because we might not be sure that the right person is being paid this benefit. Inserting this in front of the subsection, Mr. Speaker, will ensure that adequate proof would be obtained or efforts made to ensure that the payee is the person properly entitled to the payment.

Mr. Speaker, I know that this will put a responsibility and greater onus on the commission’s personnel but at least it could avoid payment being made to anyone who makes a first claim and who may not really be the one entitled to the payment.

Mr. Speaker, I sincerely hope that the recommendations from this side of the House be taken into serious consideration. We do recognize that this is a very progressive Bill but I can see many of its flaws. I feel that we are speaking here at a disadvantage since this Bill was already passed in the other place; I feel that there are many amendments that could be made to this Bill. But I would like to assure the hon. Members on the other side of the House that this Bill does indeed have our support, the support of the hon. Members on this side. Mr. Speaker, I thank you.

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Thank you very much, Mr. Speaker. It is a privilege to rise and Speak today on an bill amend the Statutory Authorities Act presented by the hon. Minister of Finance.

Mr. Speaker, while the Bill itself is relatively short, there are a few profound issues captured by the Bill and indeed raised by my friend opposite. May I first take the opportunity, Mr. Speaker, to congratulate the Minister of Finance on bringing yet another progressive piece of legislation to this House that will enhance the lives of public officers. [*Desk thumping*]

Mr. Speaker, the Government of the People’s Partnership has been involved in a hectic period of public discourse relating to terms and conditions of employees, primarily in the public sector and the Government has been occupied by this pressing issue, related not only to wages and salaries but to terms of employment, conditions of work and social security.

Mr. Speaker, the issue of social security of public officers is an issue that has attracted the attention of this House for several decades and over the years there have been approaches, policy interventions which have attempted one way of

*Statutory Authorities (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, March 11, 2011*

another, to meet and treat with several of the challenges of the day, whether it be in terms of benefits, whether it be in terms of insurance, pension, an assortment of work-related benefits, et cetera.

Mr. Speaker, the matter today affects a catchment of 3,900 employees. Mr. Speaker, while that may be relatively small, we are seeking to bring this group of employees, 3,900 almost 4,000, up to mark—and no pun intended, Mr. Speaker—with the benefits enjoyed by other workers in the Civil Service under the Civil Service Act, et cetera, and I think the member opposite and the Minister of Finance spoke to that issue.

Mr. Speaker, I am happy that the Member opposite indicated on this occasion that our friends opposite will support the Bill. After our last experience we were in some doubt as to whether we would get support for any Bill but, Mr. Speaker, we are happy with that. The Member also proceeded to raise several recommendations and I think raised recommendations but did not go so far as to say that we would be fielding amendments because I think there is a feeling that the Bill, as presently constituted, is a very good beginning but there may be a case for reviewing the policy approach to ensure that there is a more comprehensive framework to treat with this issue, and the Member spoke to several related issues there.

My friend also ventured off a bit and spoke on some matters pertaining to the legislative agenda and the order and so on of the House and, in my capacity as Leader of the House, I will try to respond to a couple of those matters as well.

Mr. Speaker, we have been trying our very best to give adequate notice to all Members opposite on practically every single piece of legislation, unless my memory fails me there may have been one—maybe one piece I do not know, or three is it?—I cannot remember any—but generally we try to give at least seven days' notice to debate matters. And, Mr. Speaker, I want to say for the record, we have gone one step further where it is the anticipation of the Government to debate a matter, but that Bill may not have been laid in the House, we actually provide advanced copies so that Members would have an opportunity in advance of the laying of the bill in the House to look at the Bill and to have at least seven days or so notice and to study those matters.

I say that in the context, Mr. Speaker, that is was not too long ago that when some of us were on the other side, we were caught, at times, with Bills coming today for tomorrow. I remember one such matter which involved the hosting of the 2007 World Cup when there was a need to introduce legislation to ensure that equipment coming into the country or officers, foreign officers in the country and

we came today for tomorrow, literally, to pass legislation for the World Cup. It happened again with legislation relating to the hosting of the Summit of the Americas when we came quickly.

**3.20 p.m.**

Mr. Speaker, notwithstanding that, that is the past and it is not my intention to dwell in the past at all. It is not my intention at all. In fact, I want to be looking more in the future; I do not want to dwell in the past unless I am forced to; [*Interruption*] unless I am forced to by my friends opposite. [*Crosstalk*]

Mr. Speaker, I would proceed. I think it is the fact that that Balisier House party was cancelled. [*Interruption*] You see, I think that is stirring up some problems here. Mr. Speaker, let me proceed. [*Interruption*] Let me proceed, I am saying that, notwithstanding that on occasions we have had to introduce Bills and one week after pass them, we have maintained our procedure of giving adequate notice.

I also want to indicate to the Member for Port of Spain North/St. Ann's West who raised the issue, and properly raised the issue, that the intention of the Government was indeed to present a legislative agenda that would be based on a legislative audit. Since assuming Government, Mr. Speaker, as you know—and I do not want to repeat it—there was a change of government almost midterm into an administration and there were several outstanding pieces of legislation that had to be addressed and we have sought to deal with that outstanding backlog because we needed an audit. The Government did not change in what was the regular five-year cycle, so we needed an audit quickly to deal with outstanding matters.

Apart from that, Mr. Speaker, pursuant to our commitment and our manifesto, which my friend had, we were committed to dealing with the issue of crime, of the criminal enterprise, and so, Mr. Speaker, we have practically flooded the Parliament with anti-crime legislation. We have flooded the Parliament with legislation to deal with crime, whether it is the Interception of Communications Bill, Evidence (Amdt.) Bill, Firearms (Amdt.) Bill, Anti-Gang Bill or the Kidnapping Bill. We have had to deal with that because that is the problem we face in the national society and I am happy that the Member for Port of Spain North/St. Ann's West raised that issue of the legislative agenda. I am very happy because it gives me the opportunity to respond and to put in context the approach of the Government's legislative audit to deal with crime and, Mr. Speaker, as we proceed you would see on the Order Paper we now have legislation addressing the land tribunal and other matters for the management of land.

*Statutory Authorities (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, March 11, 2011*

Mr. Speaker, the Member opposite raised some other matters as well, and it is not my intention to stray at all from the Bill, but in responding to my friend opposite I may have to, because I am compelled—almost—to respond. The Member repeated an often used phrase and the Member made—I thought generally—a useful contribution and was not antagonistic. I thought it was a nice Ash Wednesday speech. It was not with too much aggression and so on, repeating this notion about promise and pension and what the Government promised to do. Because it was repeated I want to repeat the response, because 73,519 citizens of this country have benefited from the increase in pension to \$3,000. [*Desk thumping*] Add to that, 52,000 workers who benefit from the increase in the minimum wage—[*Desk thumping*—we have reached 125,000-plus already, and then add to that the 4,000 we are helping today in this Bill who would have some benefit. [*Interruption*] Mr. Speaker, you are looking at in eight months to nine months, 130,000 citizens who have benefited in a tangible and direct way. Mr. Speaker, that is what we are about today, working in the Parliament so that 3,900 employees would benefit from this matter.

Mr. Speaker, there were some useful suggestions raised by the Member for Port of Spain North/St. Ann's West, in that there was some attempt to speak to this issue of harmonizing, somewhat, grants and benefits for all public workers across the board. They may be used in contemplation of that. But it must be said that at a time when we are experiencing and will continue to experience economic challenges, we are not fortunate today as governments were in the past—particularly during the period 2004—2008 or thereabout—to have that energy, that oil boom, with the price of oil and gas extremely high, but notwithstanding that there are economic challenges, and in the context of these economic challenges we face it may not even be useful to think about harmonizing benefits and grants for all members of the public service given the economic uncertainty that we face.

My friend from D'Adabie/O'Meara reminded us, that when earlier governments—I will not call the name of any government—were fortunate and blessed enough to receive an oil boom there was no attempt to harmonize grants and benefits for all members of the public service when they had the resources. So when you do not have the resources it is a bigger challenge. It is certainly a challenge when you do not have, but, when you had you could have done that. It was a good idea for a government that was experiencing a boom in the economy that they could have proceeded in that way.

Mr. Speaker, there are some other interesting issues raised as to a cap on the finances. A recommendation to put \$5,000 as opposed to one month's salary, because the feeling is that persons may be making less than \$5,000. I want to clarify



this matter with my friend from Port of Spain North/St. Ann's West, in that there may be persons who are earning more than \$5,000—that is the first challenge. But secondly, if it is related, as the Member is suggesting, to payment for a funeral and that type of thing, persons who are paying and who would have paid their national insurance are also entitled to some benefit for funeral grants or for other types of support after they have provided information on the passing of a contributor to the NIS. There are provisions for funeral grants and there are other social welfare provisions for persons who are in need.

The Minister of the People and Social Development announced, I think, a few months ago, an increase in the number of grants and the amount of money for persons who are below a certain income level that they can access in the event of death, in the event of death by accident or conditions of poverty. This is only one in the context of other available relief for persons who are badly off that you are identifying. So, while the \$5,000 may sound nice, it could also have at a disadvantage, persons who would ordinarily receive more. Secondly, persons may also access other types of grants in the state sector, particularly at the Ministry of the People and Social Development to assist in the event that they are underprivileged.

**Mrs. McIntosh:** Would you give way? Member for Oropouche East, the \$5,000 recommendation was just for those people who are on the lower rung of the earning totem pole, who were getting \$3,000, probably a bar could have been established, not a cap. It was not a cap.

**Hon. Dr. R. Moonilal:** Thank you. Well, the Member is suggesting that the \$5,000 is not a cap, but the lowest level, so to speak, for all. It is something that in the future Government could look at given the resources and given what is available to us.

**Mr. Sharma:** What was the PNM giving?

**Hon. Dr. R. Moonilal:** No, no; I will not dwell on the past, because I think if the Member for Port of Spain North/St. Ann's West had the honour to serve in the former government, in a meaningful way, we would have had all of these recommendations implemented, I am sure. They would have been implemented had you the opportunity to serve alongside the Member for Diego Martin North/East, who was there and the recommendations never saw the light of day.  
[*Interruption*]

They are useful, and as I say, Government may want to look at that as the economic situation improves. The Member also raised an interesting issue as well, which relates to temporary employment in the context of persons who may be at

*Statutory Authorities (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, March 11, 2011*

their job for several years—contract workers and so on who may be in a public service environment for several years—and would not benefit or cannot benefit in this way, and it is a very useful idea again to contemplate. I do not want to go back in history again, but to indicate that the proliferation of contract and temporary workers took place under other governments, and coming into office we have recognized the enormity of contract workers and temporary workers in the labour force, particularly in the public sector as opposed to the public service, and that requires a particular type of labour market intervention from the perspective of public policy.

Regrettably, over the years, this cadre of workers was allowed to multiply, so much so that administrations before created institutions that were geared towards recruiting only contract workers. There are companies in the public sector today that are really based only on contract workers and temporary workers in some cases, those persons would not be captured here; we would have to look at some other type of policy net to assist workers there.

Mr. Speaker, when we were looking at this problem and contemplating manifesto policy proposals, we were looking at the possibility of ensuring or promoting the trade union representation for temporary workers and contract workers and so on, so they would have trade union coverage and unions could bargain as best as they could for improved conditions of work and improved benefits which would include such benefits, so it is a useful challenge. But the build-up of temporary employment in the public sector is not a build-up that happened today and it is something that we may well look at.

Mr. Speaker, I am very curious about—and that is why I wanted to ask a question and intervene, because in looking at the Bill, the various categories of persons who may be entitled to receive the one-month salary, the Member had raised some issues and actually praised the Bill somewhat, but indicated that we do have further to go and I think several persons always reflect on Barbados, where there is, probably, a well-developed social security legislative and policy framework; there are reasons for that as well.

Barbados as you know, has had, in some cases, the blessings of building national consensus on wages, incomes and prices. They have had national pacts between labour, business and the government, so that they could build agreement on prices and incomes, and that has resulted in the Barbados state being able to advance very sound social security policies, because it would not be affected by wage bargaining. So in the context of a society where you do not have that national

framework and consensus on income prices, [*Interruption*] it is difficult to harmonize because you are dealing with different groups and different groups claiming different wage increases and so on.

As you know, we face a challenge now with several areas in the public sector, bargaining, claiming wages, as they are entitled to do. But there is no overriding national agreement as in Barbados on wages, prices and incomes, and that has been a challenge here and it explains one of the reasons for Barbados position—although note that Barbados has a much smaller workforce and a smaller framework—their labour market is also not as stratified as that of Trinidad and Tobago. But, Mr. Speaker, let me get away from the business of labour and leave that to my distinguished friend from Pointe-a-Pierre.

Mr. Speaker, our friend opposite looked through the categorization and attempted somewhat to advance a position to improve upon the categorization, while not taking away, sought to improve upon that by suggesting that there may be some ambiguity and problems relating to the definition of children as opposed to child and the competition that you may have among children if different children try to claim and so on, and what can or may arise in that context. Mr. Speaker, the issue that was more difficult to grasp was the issue of wards and legal guardians and so on, because as I understand it, this Bill is to provide a month's salary to a recipient of a public officer under the Statutory Authorities Act to use.

### **3.35 p.m.**

I am wondering, Mr. Speaker, the extent to which we may have cases and there may well be, where a public officer would have a child and the child would have a legal guardian, and whether that legal guardian will be the one responsible for funeral expenses and other related debts, and the extent to which that might be a challenge, I am not sure. It may well be. It may well be, but I am not sure to the extent.

This, Mr. Speaker, in the Bill before us really mirrors the other piece of legislation with the civil service where they use the similar approach. I am not sure in using the similar approach with the civil service if they have had this problem with legal guardian, ward, nanny, whoever, coming to claim that, "I take care of the children and the public officer died and I want the one month salary, because I am taking care of the children"; they are the legal guardian."

So, Mr. Speaker, in the absence of evidence that this has been a problem with the civil service we are not sure the extent to which it may be a problem now with a smaller group rather than the 33,000 persons under the civil service. [*Interruption*] Please!

**Mrs. McIntosh:** In the case where the officer is a legal guardian, would the ward of that officer be considered under children, like adopted? I see we say “adopted”, the child has not been adopted as yet; the officer did not go through that legal process of adopting the child. If that officer has a ward, if that officer is the legal guardian and demises, would that child benefit like the other children would benefit? That was the point.

**Hon. Dr. R. Moonilal:** Mr. Speaker, the Member gave her experiences I think, in the teaching sector and her constituency experiences as well, I am not denying that this may be a challenge. All I am saying is that I am not sure the extent to which it may be a challenge and had it been a challenge with the civil service we would have known; there would have been some policy intervention to deal with this challenge. So what we will do, Mr. Speaker, we can proceed and if and when this matter arises as a significant matter, it can then receive the policy intervention and back it up by a legislative intervention to deal with it, but it is not something in the absence of evidence that one should necessarily try to treat with immediately.

Mr. Speaker, the concern, of course, is the layout of the definition the Member raised and then indicated that the Member is also a member of the credit union sector and there are some positives there that we can look at. We all know the experiences of credit unions in this country and one would be very careful to seek to replicate some of the practices, not all. In this case this approach has worked before and it is an approach that we can recommend at this time to cater to some of the problems that we face today.

There is no doubt that in the context of the workers, the employees of the statutory authorities and so on, that they are equally deserving as other workers and our manifesto has a pledge, a commitment to equality of treatment for all workers. So this Bill is well positioned within our manifesto commitments, but the economic challenges of the day present us with a reality in which we must operate. The Minister of Finance has issued a report on the “State of the Nation’s Business”. It is a very timely report and a report that is also published for the benefit for the national community. I want to take this opportunity, as well, to commend the Ministry of Finance and the Minister for this novel approach—I have not seen it before—of reporting on the nation’s business in the national newspapers for all members of the national community to read, to understand, to discuss. You see, Mr. Speaker, when we create a democratic and intelligent society, you want persons at their homes, in the kitchen, at their dining table, in the living room to sit and discuss as they want, the economy, matters of the economy, matters of social policy, matters of foreign relations.

Mr. Speaker, the tragedy that is now continuing in Japan is something that we are all familiar with. Many of us have been looking on during the day in awe at the enormity of the disaster and much more will be said and much more will be seen in the coming hours on that, but the society has become so developed, Mr. Speaker, that the national community will have access to information. It is today I think more intelligent in that sense of access to information than 20—30 years ago. So that the Minister of Finance making a report, putting it in the newspaper encourages citizens, and encourages children, whether they are in Form I or Form VI or wherever, encourages the children. In fact, the Minister of Education may want to make the national report of the Minister of Finance compulsory reading in the school system—but not on Ash Wednesday, because you may have the low turnout.

This matter of the challenges, the Minister of Finance indicates to the country, that given the global downturn and our fiscal challenges locally—and these matters have been raised before—there are attempts to stabilize the national financial balance sheet and to trigger a new momentum for growth and confront the fiscal challenges to sustain economic development. Mr. Speaker, while we do that, we would like to make the commitment that we will faithfully adhere to our strong social support programmes. This is why the Ministry of the People has been the recipient of the largest slice of the national budget, because of our commitment to the social sector, so that while we do two things, we deal with the economic challenges we cannot undermine our social development agenda. As you know, that has been one of the problems facing several developed countries around the globe.

Mr. Speaker, the Minister of Finance also indicated that the developments and challenges we face require quick resolution and whether it is the Clico crisis, payments to contractors banks, wage negotiations, et cetera, there are matters that we are currently dealing with. We are in a period of fiscal deficit that emerged since 2009, and in 2011 we project an overall fiscal deficit of \$7.7 billion or 5.5 per cent of GDP. In that context, there is a limit to how we can provide benefits, how we can provide grants and so on, while not undermining the current systems and the current programmes that are in place.

The situation as it relates to the public service; I think the Member also raised the matter of the public officers. Mr. Speaker, it is not a secret that public officers have waged a campaign for increased benefits. This is their role, this is their job and this is their right. You know, Mr. Speaker, those opposite speak time and time again about the society being dissatisfied and of conflict in the society, and the people not

*Statutory Authorities (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, March 11, 2011*

happy and so on, but I want to tell you, outside of negotiations, outside of industrial action for wages, not one single group in the society is protesting. There is no conflict in the society outside of the normal collective bargaining process. None!

Mr. Speaker, may I take the opportunity now, may I take the opportunity to congratulate the Minister of Arts and Multiculturalism on the best Carnival celebrations ever, [*Desk thumping*] on hosting one of the best celebrations of Carnival ever. [*Crosstalk*]

Mr. Speaker, the hotels in Trinidad were all full. There were more persons playing mas' than ever, there were more bands than ever. [*Desk thumping*] The arrangements at the Savannah stage, Mr. Speaker—I looked on, as you know I am not a big participant as others, but I looked on and I was very pleased that members of the national community when interviewed, including Members opposite, praised the Minister of Arts and Multiculturalism and the Government for taking Carnival back to the people in the Savannah. Congratulations to the Member for Mayaro [*Desk thumping*] and the National Carnival Commission. [*Crosstalk*]

**3.45 p.m.**

Mr. Speaker, as I congratulate the Member for Mayaro, I congratulate the Minister of Tourism, that the hotel rooms were completely full. There was an increase in visitor arrivals. Members opposite, I understand, also benefited and enjoyed some of the luxuries created by the Member for Mayaro.

**Miss Cox:** Not at all! Not at all!

**Mrs. McIntosh:** We were treated very badly. [*Crosstalk*]

**Mr. Speaker:** I think everyone would have the opportunity to respond if they so desire, including the Member for Port of Spain South and the Member for Laventille East/Morvant. You will have the opportunity, but allow the Member to speak. [*Desk thumping*]

**Hon. Dr. R. Moonilal:** Thank you very much, Mr. Speaker. I had spoken to the Minister of Arts and Multiculturalism before the sitting today and I want to give the assurance to my friends opposite that next Carnival you will have everything you want. [*Interruption*] Because I understand some Members may not have received—I read a newspaper article where one Member opposite said they did not get eats and drinks. But I assure Members that next year there will be full facilities for all our friends opposite.

**Dr. Browne:** Mr. Speaker, Standing Order 36(1), please; relevance. [*Desk thumping*]

**Hon. Dr. R. Moonilal:** Mr. Speaker, let me move on. My friend does not want me to talk too much about that successful Carnival. It is not a problem. But I assure my friends opposite that all will be well next year for them, and I would not say anything further on that; the Member for Diego Martin Central will be annoyed.

In the current economic situation, the Minister of Finance has advised that with the continuing management of our economy, our macroeconomic approach, with sound fiscal policies in place, with strengthening collecting systems for public revenue, we can take care of the economic challenges—we can meet the economic challenges of the day. The Government is also engaging its attention on such issues as inflation, expansion of employment opportunities, maintaining a healthy foreign exchange reserve position and, of course, sustaining our social support programmes. Because, you see, the management of the economy at this time has a critical challenge to providing benefits, to providing welfare, to providing these types of assistance to targeted groups in the national community and, particularly public officers.

We are not unmindful of other areas. For example, for many years now there are persons in public service, retirees of one group or another, who have complained that on retirement their pension is much too small and they cannot get by with their pension. Sadly, there are some members of the national community when they retire from office they have to then quickly seek alternative employment because their pension just cannot make do. We are not unmindful of that, but to deal with that requires managing the economy. That is the issue. If you do not manage the economy and things collapse on you and you have increasing inflation intensifying the deficit, you will not be able to provide benefits, and the Minister of Finance is engaging at this time with several international agencies, the local private sector and the critical stakeholders in the economy to ensure that we have prudent financial management.

The issue of payments to contractors as well, is a critical issue. Several ministries, including the Ministry of Housing and the Environment, have met and treated with contractors. Many contractors have been receiving some type of payments. They have not received all. Some may not be happy with what they have received, but they have been able to receive payments. I think—unless I am mistaken—we may have paid to contractors over the last eight months or so, something like more than half a billion dollars; outstanding sums that we have found; *[Interruption]* that we inherited. We have been meeting and treating with some of the problems the Member for Diego Martin West left us and with some of the problems his friend from San Fernando East left us. I would ask the Member for

*Statutory Authorities (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, March 11, 2011*

Diego Martin West to concentrate on paying those bills to PTSC and to CNMG. If we can get the PNM to pay their bills to CNMG and to PTSC, we can help to collect some of this revenue that we need to pay contractors.

Unlike that situation, it was interesting to note that over the Carnival holiday, the Member for San Fernando East had his very successful San Fernando Carnival fete on the San Fernando Hill and he duly paid the money to the San Fernando Hill authorities. [*Interruption*] And the Member at the back reminds me that the Balisier fete had to be cancelled and squashed because of a lack of financial support.

On the issue of the finances—they did not sing about that, Member for Chaguanas West. The calypsonian, I think, who won, sang about the Member for Chaguanas West, and his favourite calypsonian, I think, came second to last.

**Mr. Warner:** He came too high.

**Hon. Dr. R. Moonilal:** He came too high. So the management of the economy was a critical challenge.

The next critical challenge raised was the issue of pension harmonization.

**Mr. Speaker:** Before you go on to pension harmonization, do you want to just give the source of that particular quotation?

**Hon. Dr. R. Moonilal:** The source, Mr. Speaker, there is an article in the *Guardian* newspaper of Friday, March 11, 2011, page A17 titled: “Report on the Nation’s Business” by the Minister of Finance on the business of the nation, economic development, our challenges and so on, and I was quoting from that document.

The next document, I could indicate at the beginning, is a conceptual paper on a Harmonized Universal Pension Scheme for Trinidad and Tobago, Ministry of Finance, June, 2010. A related challenge, when we deal with the economic challenge, is to revamp, to reengineer the pension system in Trinidad and Tobago. As you know, this has been fragmented, stratified; there are built-in inequalities in that system. What we do, and governments have been doing, is trying to help different categories of workers as we go along. There are some very pressing areas.

Over the years, in fact, unless I am mistaken, the former administration brought Bills to treat with the teachers, with public servants and so on, and what we have not been able to do for several years was introduce a comprehensive framework for revamping our pension system in Trinidad and Tobago. I always prefer to say “the pension system” as opposed to “the pension scheme”. Somehow I do not like using the word “scheme”. The former government had a housing scheme; we have a settlement programme. [*Desk thumping*] The public service term is “scheme”.



**Mr. Warner:** Yes. A scholarship scheme. [*Crosstalk*]

**Hon. Dr. R. Moonilal:** A scholarship scheme. So we tend to use the word “system” rather than “scheme”. Maybe there were others before, I do not know, because if you promote a scheme then you are a schemer, but if you promote a system, you are a planner. So let us plan for the future.

The reform of the pension system which was initiated some years ago had the objective of modernizing the pension industry by developing and implementing a comprehensive pension regime for Trinidad and Tobago. It included consolidation; it included modernization of various pieces of dated and, in some cases, outdated legislation. It also involved integrated regulation and supervision of the insurance industry and the implementation of a modern occupational pension plan for public service employees.

We have had also the input of several international agencies, well known in this area and there have been developed over time, consultants’ reports and publications, and so on, one, for example, termed “The Modern Contributory Occupational Pension Plan for Public Service Employees.” This was done, I think, all the way in 2008. Things have been done, but it is just that we have not reached the point where we can produce both policy and legislation. But work has been done; studies commissioned; money spent, and in some cases because of the technical nature of this, you do end up spending some good money.

The Cabinet has agreed to the implementation of a reform of the pension scheme for the monthly-paid public service employees and an actuarial redesign of the pension plan for daily-rated workers. I just want to place on record again, it was in the former incarnation of the UNC government that we did introduce some benefits for public service employees and daily-paid employees who benefited by way of the medical coverage, and the Minister of Finance in his budget statement did signal to the issue of expanding medical coverage after consultation and negotiations with the relevant authorities. So medical coverage, but in addition, to enhance pension and provide for a unified and modernized pension system.

To do that there must be key characteristics of this new system: improved survivor benefits—and we are dealing with some of these issues today; shorter vesting periods; the elimination of the two-thirds limit on pension accruals; improved pension portability for employees who leave the public service or transfer within the public service. The Government is looking at developing on the concept paper and coming with a sound policy approach to meeting and treating with these issues, given these key objectives required. In order to meet these

*Statutory Authorities (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, March 11, 2011*

objectives there are certain areas that we must develop policy; the governance issue; clearly, legislation, we must communicate to the national community and the stakeholders and we must also put in place the correct administration.

One of the challenges of post-colonial public administration has been very weak bureaucratic systems that may not contribute quickly, rapidly, towards the development of the industries. That has been a challenge since Independence, and in pension and in social security we still have the remnants of that. Pension systems, incidentally, are under pressure throughout the world, and generally in economic crises one looks to the pension system for either fault or for remedy. Improving longevity, declining fertility, low interest rates are driving up the cost of pension plans. Stakeholders are finding that large index pensions starting at an early age are unaffordable and measures must be taken—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. A. Roberts*]

*Question put and agreed to.*

**4.00 p.m.**

**Hon. Dr. R. Moonilal:** Thank you very much, Mr. Speaker, and time really flies when you are on such an exciting topic as the Pension System Improvement.

Mr. Speaker, as I was saying there is a challenge that many countries around the globe face. Many countries are challenged because of their economic conditions. They would like to embark on policies to reduce the cost of social security—in some cases to privatize social security and in some cases delay the age at which recipients would benefit. These are some of the issues.

In the private sector defined benefit plans are being replaced by defined contribution plans, as employers look to transfer pension risk generally to the employees. Given that Trinidad and Tobago is not immune to this pressure, it places a greater burden on the Government to meet and treat with this matter. The issue of retirement security is an issue that affects all workers and, as I stated earlier, retirement security affects all, but it affects some more because there are some workers in the national labour market who have no hope of benefiting in retirement because of the nature of their work.

On entering government some of us were appalled at the state of industrial relations, and the state of labour relations in the public sector. These unions were waiting for years, they were waiting for years for the Government to have the

courage to come to the table and make an offer, and enter into the process of collective bargaining. They were waiting and it was almost as if the former administration did not have the courage, did not have the political will, did not know and did not care. They left them crying to come to the bargaining table and begin negotiations and that was the crisis we faced. But there is another one, if you look at the labour force—and we are talking about a benefit to 3,900 workers—at passing the child, the cohabitant and so on can get by ministerial order, and I will come to the ministerial order in a minute, but what happens to persons who have spent 10 years, 20 years in some cases employed in Unemployment Relief Programme (URP)?

In fact, the Member for Pointe-a-Pierre recently, I think, alerted the national community that there was someone 102 years—107. Someone, I do not know if to call the person a worker but someone 107 years receiving a wage, receiving URP money, 107 years. Some of these people may not exist. I want to alert you that in the Community-Based Environment Protection and Enhancement (CEPEP) Programme, we are now undertaking a comprehensive review, and there are cases where the only place to go is to the Fraud Squad of the Trinidad and Tobago Police Service, where they have persons calling themselves contractors receiving as much as \$235,000 per month. They do not have the work force in place; they are not paying the NIS. We had reason to write contractors to indicate that they are owing in some cases \$500,000 to NIS and they have not been satisfying their statutory requirements and we have had to take action.

In one case, I regret to say in a Diego Martin constituency we have had a case where someone was a contractor. When we investigated they were hiring everybody who was already working for them in an industrial establishment, and they were on the list of CEPEP workers. We had to take action quickly to dismiss that person and I think the Member for Diego Martin North/East is aware of that case. And I am speaking to the issue of retirement security which we are dealing with. This Bill deals with retirement security and I am making the point that there are a lot of workers out there who will not be entitled to this benefit, and we must also consider them as we look at policies to provide retirement benefit and retirement security. And in the case of CEPEP workers I am pointing out that we have serious problems, and when contractors do not pay \$500,000. to NIS, where are we going to get the money for NIS to pay out their benefits, to pay further benefits? Because our friends opposite come now with monotonous frequency every week and ask for more, spend more, give them more, this is not enough. And if you have one contractor—and there are others—not paying an average \$500,000 in NIS payments where simply will we get the money from. So, we have to improve our administration.

*Statutory Authorities (Amdt.) Bill*  
[HON. DR. R. MOONILAL]

*Friday, March 11, 2011*

I think the police service will have to investigate and conduct the necessary enquiries, and take whatever action they deem necessary, but that is a problem we confronted on entering into Government and some of my friends are aware of that, they are aware of it. When they were on this side of the House they may not have had the opportunity, may not have the ear of the great one so that they could not raise these issues. [*Laughter*] They could not advocate to bring about some decency with these programmes to provide retirement security—

**Miss Cox:** Back to the Bill.

**Hon. Dr. R. Moonilal:** —like for the Statutory Authorities workers they could not do this. I know that my friends opposite will get a bit shaky, queasy and nervous and so on with these discussions, but they are the facts. [*Interruption*]

You want me to continue to talk about eats and drinks for Carnival I cannot talk about that forever. Carnival finish, Mr. Speaker. I want to concentrate on retirement security matters. You see Mr. Speaker, so the—[*Interruption*]

**Miss Cox:** Who is talking about eats and drinks?

**Hon. Dr. R. Moonilal:** I am not talking about eats and drinks.

**Miss Cox:** I ask you who want you talk about eats and drinks?

**Hon. Dr. R. Moonilal:** But you only asking about eats and drinks.

**Miss Cox:** Who I ask?

**Hon. Dr. R. Moonilal:** Mr. Speaker, let me—

**Miss Cox:** Who I ask about eats and drinks? Do not lie on me.

**Hon. Dr. R. Moonilal:** But I am not talking about—what you have with eats and drinks?

**Miss Cox:** I never had any discussion with you on that.

**Hon. Dr. R. Moonilal:** But I want to move on.

**Miss Cox:** But do not lie on me.

**Hon. Dr. R. Moonilal:** But I want to move on, I am not talking about that.

**Miss Cox:** Mr. Speaker, 36(5).

**Mr. Speaker:** Yes, before you deal with 36(5).

**Miss Cox:** Who is talking about eats and drinks?

**Mr. Speaker:** Listen, there are better ways of communicating, you do not have to indicate that the Member is lying.

**Dr. Rowley:** But he is lying.

**Mr. Speaker:** No, but I am saying that lying is an unparliamentary word. *[Interruption]* Yes, I am saying it is unparliamentary and I am saying that for instance let us use better language. *[Interruption]* While I am speaking could I have your attention? *[Interruption]* What? Did I hear you Diego Martin North East.

**Mr. Imbert:** No.

**Mr. Speaker:** All I am saying is that we have better ways of communicating even when we are getting into cross-talk, we could communicate better. We do not have to use unparliamentary expressions, and “lying” is an unparliamentary word. I have said that, whether you are on your feet or you are seated, do not engage in that kind of language, that is all that I am saying. And if the Member is saying something against the Member for Laventille East/Morvant and you believe he is imputing improper motives you rise on the appropriate Standing Order and you seek my intervention and ruling. But it is wrong to be across the floor engaging in expressions that are patently unparliamentary. I would like you to be guided. Continue.

**Hon. Dr. R. Moonilal:** Thank you very much, Mr.—

**Miss Cox:** Mr. Speaker, 36(5). *[Desk thumping]*

**Mr. Speaker:** 36(5) as it relates to what?

**Miss Cox:** I had no discussion with this Member about any eats and drinks and I take offence with those statements that he stated towards me. Okay.

**Hon. Dr. R. Moonilal:** Mr. Speaker, let me clarify because I really want to move on, and I am being delayed here on a matter like this for so long. *[Interruption]* But I have to clarify, there is a Standing Order before me; I have to clarify.

Mr. Speaker, there was an article in the newspaper in which the Member for Port of Spain South raised certain concerns and complaints about the treatment of Members opposite at the Carnival shows, and indicated that one of the concerns, it may not have been the only concern, but one of the concerns was that Members of Opposition did not receive eats and drinks.

Now I am not saying it is the Member for Laventille East/Morvant, what I am saying is the Member for Port of Spain South said that in the context of her colleagues. I am sure it is not herself, it is her colleagues—and all I am saying is do not worry, next year, we will take care of that.

**Miss Cox:** You singled me out and I had nothing to do with that.

**Hon. Dr. R. Moonilal:** But I am not singling out the Member for Diego Martin Central, it was all the colleagues. You were talking to me so I responded to you.

**Miss Cox:** I have nothing to do with that.

**Hon. Dr. R. Moonilal:** Listen, Mr. Speaker, I have clarified—

**Mr. Speaker:** Hon. Minister, hon. Member for Laventille East/Morvant, Member Diego Martin West, please, could we have some order. I would not want to entertain any further discussions on eats and drinks. Let us proceed to deal with the matter that is properly before this House. Okay. Let us proceed, please!

**4.10 p.m.**

**Hon. Dr. R. Moonilal:** Mr. Speaker, I want to wind up before 4.30 p.m., when all Members go for eats and drinks. Let me close by indicating, that we are very thankful that our friends opposite have indicated that they will, indeed, support the Bill.

Mr. Speaker, we have taken note of the critical remarks by the Member for Port of Spain North/St. Ann's West. We have taken notes of the remarks, and while it is the intention of the Government at this time—the Member was quite right, incidentally, that this Bill was passed in the other place—to complete our business on this matter and move on, it may well be in the future that we look at enhancing benefits, not only to members of the statutory authorities, but of the civil service as a whole. I can indicate that in some of the negotiations you may not have to do this by legislative intervention, because in negotiations and in collective bargaining the unions will bargain generally, not only for wages, but will also bargain for benefits. Some of these benefits will involve retirement security and other types of benefits relating to termination of employment, parting, early retirement, voluntary nature of termination and so on. So, the collective bargaining process can also enhance grants and benefits, not just the legal intervention.

You can look at that, because there are problems with a legal intervention when you are dealing with what could be 85,000 public officers across the board. It is very difficult to harmonize that in the context of economic uncertainty, but we have taken the point by the Member for Port of Spain North/St. Ann's West on that.

Mr. Speaker, the issue of the children was raised as well. It may well be that, it is a policy issue that we will look at as well. I am told that the Member raised the issue by ministerial order and linked it to another critical issue, which is time. We all know that in some areas of the public service it takes time—in some cases maybe too long—to receive certain benefits and certain grants, where in some cases it is automatic. So it is a real concern.

I am also informed that in the civil service, in the context of the wider group of workers, it is also done by ministerial order. So the Minister makes such an order, and in making that order, all we wanted was to get consistency between the civil service and the statutory authorities. So if we can get the consistency there, that would be the objective as opposed to doing it by nomination and having it as of right without some type of administrative supervision. As you know, there could be conflict over this claim, and if the Minister has that power by order, the Minister may entertain in that context and may be able to resolve, in some cases, if there is a conflict. So that point is a solid issue. On the issue of ward and legal guardian, I think it is a bit more complex, a bit more thinking with that and, certainly, we would want to look at the scale of that.

So, Mr. Speaker, with these so very few words and having such a peaceful contribution, I would like to congratulate the Minister of Finance, again, on this measure before us.

Mr. Speaker, I thank you. [*Desk thumping*]

#### STATEMENT BY MINISTER

**Mr. Speaker:** Members, I would like to revert to the issue of Statement by Ministers. I understand that the Minister of Arts and Multiculturalism would like to make a ministerial statement. You can do so at this time.

#### Carnival 2011

**The Minister of Arts and Multiculturalism (Hon. Winston Peters):** Thank you very kindly, Mr. Speaker, and my parliamentary colleagues. Please, I too would like to lend my voice to the people of Japan in their hour of darkness, and also to extend my condolences to my colleague, the Member for Laventille West, on the passing of his father.

Mr. Speaker, I would like to make a few comments on Carnival 2011. Carnival 2011 was a resounding success. [*Desk thumping*] The return to the Savannah was celebrated on a 240-foot stage provided for masqueraders who took advantage of its length and width, and portrayed the greatest spectacle on earth. They “advantaged” the stage. [*Desk thumping*] Costume designers, masqueraders, calypsonians, pannists, revellers, spectators, DJs, truck drivers, vendors, store owners, the protective services, members of the media and so many others, joined the Ministry of National—well not just the Ministry, but who joined the Ministry and the National Carnival Commission in the effort to host one of the biggest and best Carnivals ever staged in Trinidad and Tobago. [*Desk thumping*]

*Carnival 2011*  
[HON. W. PETERS]

*Friday, March 11, 2011*

From our assessment, there were large audiences at all the events including the Calypso Fiesta in San Fernando, which saw its largest audience ever. Due to the new facilities at the Queen's Park Savannah, we have witnessed a heightened spectator interest in the Carnival activities at the mecca of Carnival, "we Savannah". [*Desk thumping*] The facilities included increased seating capacity for patrons attending the various shows at the Savannah, the Carnival Village that featured local art and craft, and the Kaiso House Calypso Tent was literally held under a tent at the Savannah.

At the regional level, interest in Carnival 2011 was heightened by the decision to take Carnival characters to other parts of the country which would not have enjoyed or seen such performances before. Areas like south-central, Penal and Mayaro had an influx of artistes, spectators and a great deal of other new initiatives which enhanced their local Carnival celebrations.

**Mrs. McIntosh:** What about the People's band?

**Hon. W. Peters:** "Ah coming to that jus' now. People's band was only waiting for yuh and yuh stay home." [*Crosstalk*] One of the events that generated a great deal of revenue and renewed interest was stick fighting. Do you know what stick fighting is called? [*Interruption*] Good! Good!

This year, the Ministry also implemented a greater number of workshops and, taught school children and community groups the skill of making mas' and the traditions of Carnival. We can be very proud of the success we have experienced, and be confident in our ability to make our Carnival a greater revenue earner for the country. [*Interruption*] Coming to you. One has only to see the potential in the quality of the festival—[*Interruption*]

**Mr. Sharma:** You only hear stick fighting and you get excited.

**Hon. W. Peters:**—the clear benefits and merits of putting in place the proper marketing and promoting of Trinidad and Tobago as a premier Carnival destination, and a very lucrative business will result.

**Mrs. Gopee-Scoon:** "What's new?"

**Hon. W. Peters:** "What's new is that all yuh couldn't do it." [*Desk thumping and laughter*]

**Hon. Member:** You look for that!

**Hon. W. Peters:** "All yuh draw a picture up at de Savannah, leave it for four years and expect people to go in there."



*Carnival 2011*

*Friday, March 11, 2011*

**Mr. Speaker:** Get back to the statement, please, and forget the crosstalk. Just deal with your statement, please.

*[Desk thumping and laughter]*

**Hon. W. Peters:** Let me talk to the Speaker and forget about them. This became very clear to me as I visited the various mas camps, pan yards and tents, and saw the tremendous creativity, innovation and the commitment that exist. Surely, we can harness these to attract even more people to sample the unique and creative experience that is Trinidad and Tobago's Carnival. *[Desk thumping]*

Carnival 2011 was, however, not without its challenges. We still have to find a solution for the congestion of the bands en route to the Savannah, as well as, how best to control spectators and keeping the parade route free of encumbrances.

As it relates to security, our visitors and patrons, Carnival celebrations were primarily incident free—*[Interruption]*

**Mr. Imbert:** Only 12 murders.

**Hon. W. Peters:**—save and except for sporadic disturbances. The Commissioner of Police in his report on the celebrations corroborated this overall assessment.

**Mr. Imbert:** What about the 12 murders?

**Hon. W. Peters:** The NCC and its various agents made every effort to return the city to normalcy early on Ash Wednesday, and for this, I would like to thank CEPEP, SWMCOL and other organizations contracted for this purpose. *[Desk thumping]*

Economically and socially, I am of the view that Trinidad and Tobago Carnival 2011 was an organized and successful event as we look forward to building on the gains of 2011, and to correct the systemic problems that continue to plague our Carnival.

**Hon. Member:** Food and drink.

**Hon. W. Peters:** “All yuh ain't gettin none!” The economic value of Carnival to the people of Trinidad and Tobago cannot and must not be overlooked.

In this regard, the Government has taken the lead and approached the Tobago House of Assembly, to discuss the possibility of another Carnival to be held specifically in Tobago during the month of October. However, this is only one initiative. The Ministry of Arts and Multiculturalism, as part of its mandate, would also be pursuing other opportunities in all aspects of our local arts and culture that have the potential to realize benefits for our economy.

*Carnival 2011*  
[HON. W. PETERS]

*Friday, March 11, 2011*

On behalf of the Ministry of Arts and Multiculturalism and the Government of Trinidad and Tobago, let me take this opportunity to extend sincere congratulations to the Calypso Monarch, Miss Karene Asche; the King of Carnival, Mr. Wade Madray; the Queen of Carnival, Peola Marchand; Band of the Year, Brian MacFarlane's Humanity-Circle of Life; Band of the Year San Fernando, Ivan Kalicharan; the Chutney Soca Monarch, Rikki Jai; Young King, Benjai; the Power Soca Monarch, Machel Montano, who also took advantage of the opportunity to run away with the Road March title 2011; San Fernando Calypso Monarch, Brian London; the Groovy Soca Monarch, Mr. Kes Dieffenthaler; Tobago Calypso Monarch, Nicole Thomas; Junior Calypso Monarch, the up and coming master Aaron Duncan; Panorama Champs, Neal and Massy Trinidad All Stars; and all the many other Carnival winners in Trinidad and Tobago.

**4.25 p.m.**

I also sincerely thank the Chairman of the National Carnival Commission, Mr. Kenny De Silva, the Chief Executive Officer; Mr. Clarence Moore and the hard-working commissioners of the Commission for their excellent work for this year. Thanks also to the three Carnival interest groups: Pan Trinbago; the Trinbago Unified Calypsonians Organization (TUCO); and the National Carnival Bands Association. I would also like to thank the protective services of Trinidad and Tobago and the private security firms who work so diligently during our Carnival.

Most importantly, I would like to thank and congratulate all the people of Trinidad and Tobago for playing their part in making Carnival 2011 a resounding success and ensuring that our visitors felt at home here in Trinidad and Tobago, the land of Carnival, the home of steel pan and calypso.

I would like to, before I end, Mr. Speaker, I know that in your best effort to achieve anything, things do go awry and as the Minister with responsibility for Carnival and all that went on in the Savannah—even though I could not be everywhere at all times—I would like to sincerely apologize to my colleagues, both on this side and that side, who for one reason or the other, were not able to be accommodated in the way that I wanted them to be accommodated and it is indeed through no fault of ours on this side. I want to tell you that whatever inconvenience you may have suffered, it was not deliberate at all. Because on my part, I want to tell you that I respect every one of my colleagues and I would want to treat each and every one of you as equal.

So, for any inconvenience that you may have suffered, please allow me to apologize on behalf of the NCC. Mr. Speaker, I thank you. [*Desk thumping*]

*Carnival 2011*

*Friday, March 11, 2011*

**Mr. Speaker:** Hon. Members the sitting is now suspended until 5.00 p.m.

**4.28 p.m.:** *Sitting suspended.*

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

#### STATUTORY AUTHORITIES (AMDT.) BILL

**Mr. Fitzgerald Jeffrey (*La Brea*):** Thank you very much, Mr. Speaker. Permit me to place on record our deep concerns for the government and the people of Japan in this tragic period, a massive earthquake of 8.9 on the Richter scale and a tsunami of unprecedented proportions in Japan, resulting in the loss of lives, destruction of infrastructure, homes and offices. This comes at a time when Japan is just emerging from its economic downturn. It is indeed a sad period and we on this side would like to communicate that to the people of Japan.

Secondly, Mr. Speaker, I want to extend the deepest condolences to the family of our Member of Parliament for Laventille West on the demise of his father and we trust that God will give them the strength to carry on.

Mr. Speaker, permit me to congratulate the national community including all our masqueraders, our calypsonians, steelband players, other artistes, officials, our security officers and employees who do not only prepare the various venues but maintain them as well, thus ensuring the continuation and preservation of our well-established tradition of an enjoyable and peaceful Carnival, notwithstanding the 12 or 15 murders that we had.

Mr. Speaker, there was a lot of hype from one quarter, that it was going to be the best Carnival ever, they flatter to deceive. It was a good Carnival but certainly not the best. One only has to ask Brian MacFarlane. Let us read Brian Macfarlane, let us listen to the various talk shows—whether you want to say it is PNM or People’s Partnership talk shows—you listen and you will recognize that all was not well at the last Carnival; take it or leave it! Not even the inducement of \$2 million as various prizes could make that happen. Nevertheless, we say congratulations to Rikki Jai, Karene Asche, Machel Montano, Brian MacFarlane, Neal and Massy Trinidad All Stars and all the various winners in the various competitions for the Carnival season.

Mr. Speaker, I am here this evening basically to deal with the Bill. I listened to the Minister of Finance and he spoke of two responsibilities of his Government. One of those responsibilities is to correct the errors, missteps and omissions of the last administration. If that is going to be their major responsibility and not deal with other mistakes or errors, then they are destined to follow what happened in 1986—

*Statutory Authorities (Amdt.) Bill*  
[MR. JEFFREY]

*Friday, March 11, 2011*

1991 and 1995—2001 and this UNC-led coalition is bound to follow, if they were to follow that said prescription. Take it or leave it!

Mr. Speaker, Independent Senator Mary King, speaking on the budget debate of 2001 and I want to quote:

“This Government, as no previous government, has been plagued with numerous allegations of corruption and the large construction programmes...demand that better management and monitoring systems be put in place and we mean very soon.”

That is Sen. Mary King.

**5.05 p.m.**

I am putting this against the background that we are going to have a lot of highway construction, construction of tunnels, et cetera. I ask the Government beware of that advice from then Sen. Mary King.

To blame the People’s National Movement solely for the failure to bring the Statutory Authorities (Amdt.) Bill to Parliament would have meant that somebody would have had memory lapses, because from 1986—1991, the PNM was not in governance. From 1995—2001, the PNM was not in governance. Indeed, the Minister of Finance was a Member of the government from 1986—1991. It begs the question, why was the Bill not presented in that period? What we mean to say is that we must all accept part of the responsibility. The PNM must accept theirs, and so too must the NAR and the UNC, because we were all part of the government at that time.

The Member for Oropouche East expressed surprise that we on this side are supporting this Bill. We will not repay in kind. We always support good legislation and criticize whenever there is room for criticism.

Mr. Speaker, let me take you to two examples. When the UNC was in opposition, they opposed almost every Bill brought to this House by the PNM government. In fact, their former leader, “the right hon.” Basdeo Panday, boasted that the role of the Opposition is to oppose even when the government is doing something good. The UNC has done a master job at that. We saw when the UNC was in government they supported the CCJ. When they reached in opposition they were against it. In the Bail (Amdt.) Bill of September 16, 2008, we wanted to increase the time for an accused to be held without bail from 30 to 60 days. Do you know what was said? I want to quote: “It was draconian, dangerous and repressive.”  
[*Interruption*]

**Dr. Browne:** Who said that?

**Mr. F. Jeffrey:** Then Sen. Mark.

“It is undemocratic, uncivilized and barbaric in both forms. The right of the individual to life, liberty and the right not to be deprived thereof, except by due process of law. No government should ever be allowed to snatch or take away the citizens’ liberty with no access to the High Court for 60 days.”

Do you know what is happening now? We want to extend it from 60 days to 120 days. Put this against the background, in 2008 the number of murders in the country was unprecedented. In 2008, it was unprecedented, but in 2011, where there is a fall in the murder rate, you want to increase the time to 120 days. How could that be right? We in Opposition would always think in the national interest and, therefore, we will support this legislation without any amendment.

The hon. Minister of Finance, in his contribution, mentioned four areas: (1) pension reform; (2) establishing equity for those in the statutory authorities with that of the civil service; (3) compassion in the law; and (4) beneficiaries for the one month salary. As nice-sounding as the pension reform is, removing the bar of 33½ years, pension portability; nice, nice, nice, but so too was when they had the Pensions Bill, when they were offering \$3,000 pension to 160,000 persons. Listen, no qualification, \$3,000 pension. Do you know what happened? In actual fact that never happened. While those pension reforms are good initiatives, we wait for the Bill, so that in the event that they renege on the contents of the Bill, we could take the necessary action.

Mr. Speaker, I want to go further into the scenario to deal with the whole question of equity. In the Civil Service Act, Chap. 23:01, under section 32, there is the provision that: “Whenever a public officer dies, the Minister shall order that one month’s salary of the officer, from the date of his death, shall be paid to his widow or to his children or other next of kin. That is very good.

If we turn to the Statutory Authorities Act, section 8(1), (2), (3) and (6), there are the provisions for the transfer and secondment of staff from the statutory authorities to the civil service and vice versa, subject to the necessary approval. Those in the civil service and those in the statutory authorities do similar work. There is usually a smooth transfer from the statutory authority to the civil service and vice versa. It starts to reckon that what is good for the goose is good for the gander. Therefore, if we are talking about equity, we on this side would have no quarrel but to support the idea of a level playing field for both areas.

We applaud this initiative, but wish that the payment was about three months' salary, given the cost of living in the society today. I guess one-third of a cake is better than none at all. Once the playing field is level, we look in joyful hope for an increase in the payment to be made. Given the high cost of funerals these days, a figure between \$5,000 and \$10,000 as a one-time payment for bereavement will cut it. We know only too well about the circumstances when there is bereavement.

In the second scenario, the Minister mentioned the whole question of compassion. In looking at the whole question of compassion, yes, the law is for people and people are indeed compassionate people. We all know how tragic is the loss of a dear one, particularly when there is only one breadwinner who, apart from providing physical support, provides emotional strength for the family. When that person dies, it is a case of double jeopardy. Life can become traumatic. Apart from the emotional attachment being truncated, the following questions need to be answered: Where would money come from to pay the next rent? Who will make the next mortgage payment? Where will money come to meet the hire purchase obligations? Where will money come from to put food on the table? Where would money come from to pay for transportation for the children to get to school? When we get the light bill and the water rate, who will pay that money when the breadwinner is gone? On top of it, we have funeral expenses.

I was talking to a funeral undertaker only this morning and they will tell you that for a decent burial these days, it is in the order of \$8,000. This is a sad scenario. For the well-to-do, they may be able to go to the bank and withdraw money for the funeral and even meet the day-to-day expenses. Their only loss would have been the emotional bond that has been truncated. The one month salary is really a topping off of an already hard-earned accumulated wealth. But, there are many, many people in this beautiful country of ours who are not well-to-do. There are many officers whose monthly income is so low that it borders on the ridiculous, particularly the lower income earner. The lower income earners tend to have larger families and, therefore, dependence on the breadwinner is even more severe. We know that we have NIS, benefits, public assistance, et cetera, but meeting funeral expenses leaves a big hole.

I know of several persons in my own La Brea constituency who could not afford burial for the breadwinner and had to literally bring neighbours or even ask the Member of Parliament to assist. I beg the question: in that one-off payment, tax and NIS, are those two still deducted from the one-month salary paid out? I want to recommend that there should be a waiver of tax and NIS on that one-off payment.

If we look at what happens with—[*Interruption*] I will take my time, do not worry. How do we equate compassion to public servants who work beyond the call of duty, providing accurate information to inform government policy, playing a pivotal role in guiding our development, our CSO staff, staff from the Ministries of Finance; Energy; Education; Science, Technology and Tertiary Education; and even our hard-working police officers? Their salaries are relatively small and grossly inadequate.

They are embroiled in negotiations right now; police officers and members of the PSA. While we have no quarrel with our artistes being awarded \$2 million, that is all right, the question is the timing and the sensitivity in this whole thing. While people are “bawling” about the hard financial circumstances, you find it easy to award our artistes \$2 million.

It reminds me of the *Bible* about the big loaves on the master’s table but the crumbs on the floor. That is what the public servants have had to endure. One needs to understand that we need to really and truly take charge of this thing. Nothing is wrong with the \$2 million. I want us to bear that in mind. The question is the timing. That is the problem. We need to understand that there is the human compassion that we are talking about.

The third area—[*Interruption*] Mr. Speaker, I would like to have some silence please.

**Mr. Speaker:** I would like to offer the Member for La Brea total protection and silence. I ask the Members for Fyzabad and D’Abadie/O’Meara to allow the Member to speak in silence. Could you continue?

**5.20 p.m.**

**Mr. F. Jeffrey:** Thank you very much, Mr. Speaker. The third area which our Minister of Finance mentioned has to do with the evolution in law with respect to the definition of the next of kin. Mr. Speaker, I know that is not an easy scenario, I think it is a very difficult situation but I just want to ask a few questions.

Mr. Speaker, in the Cohabitational Relationships Act of 1998, there is a definition for cohabitant, and that is Part I, clause 2, which means:

- “(a) in relation to a man, a woman who is living or has lived with a man as his wife in a cohabitational relationship; and
- (b) in relation to a woman, a man who is living with or has lived with a woman as her husband in a cohabitational relationship.”

*Statutory Authorities (Amdt.) Bill*  
[MR. JEFFREY]

*Friday, March 11, 2011*

That is in the Cohabital Relationships Act, 1998. In the Administration of Estates Act, clause 2, the definition for cohabitant means:

“...a person of the opposite sex who, while not married to the intestate, continuously cohabited in a *bona fide* domestic relationship with the intestate for a period of not less than five years immediately preceding the death of the intestate;”

Mr. Speaker, I want to ask the question, why we did not use the definition in the Cohabital Relationships Act of 1998 for “cohabitant”, and went on to use the definition that is much more complicated in the Administration of Estates Act? For example, how do you define “continuously cohabited”? How do you do that? Without calling names I could tell of an example of a couple that has been living together for ten years, the husband is abusive, physically, and ever so often the spouse or the cohabitant has to leave and run by her mother, and sometime she spends three months, six months and then comes back, if that breadwinner dies, is that cohabitant entitled to the one month salary? That is why, I think we have to be careful about this whole question about “continuous”, I think it would have made more sense to utilize the definition in the Cohabital Relationships Act of 1998.

Secondly, Mr. Speaker, “bona fide domestic relationship”, what is that? Bona fide means genuine, authentic, honest; how are you going to determine that? Does it mean that you have to go in the bedroom and monitor the situation, Mr. Speaker? I think we should really and truly cancel that clause, that definition for cohabitant and go to the definition in the Cohabital Relationships Act of 1998 that is much simpler for us to institute.

Mr. Speaker, I want to ask a few more questions. What happens when the deceased had no spouse, no cohabitant for five years, but like a rolling stone has many children from many different unions? If he dies who gets the money? Who gets that money? Mr. Speaker, we have plenty men like that in Trinidad and Tobago. What happens when the deceased had more than one cohabitant living with him for more than five years and he dies, who is the beneficiary?

There is a well-known case in Trinidad and Tobago of a certain person with four wives living in the same house, if he dies who gets the money? Mr. Speaker what happens in the case of a deceased who had a cohabitant for maybe ten years, say 1999—2009, he takes up another cohabitant from 2009 up to the time of his death, the last cohabitant is the person who for the past six months took care of him on his deathbed; he dies who gets the money?



Another question that needs to be answered, what happens when an officer has no siblings, no parents, no uncles, no aunts, no children, but is residing with some cousins; he dies, who gets the money?

Mr. Speaker, how long would the beneficiaries have to wait before they can get that payment? Most of us would have had the experience of a death in the family, and if you are at the lower end of the economic ladder, you would want to find out, for example, where you are going to get money from. You want money quickly because the longer the dead stays, the more money you have to pay, so you need money quickly. Mr. Speaker, some way or the other we need to find a way to effect that payment as quickly as possible and, therefore, I want to support the Member for Port of Spain North/St. Ann's West, on the whole question of mandating, for example, that they have a nominee. You could change the nominee how often you want, but at least have a nominee so that in the event that death occurs, that somebody could get the money and effect the burial.

Mr. Speaker, we on this side will continue to give the necessary support in dealing with whatever legislation that is in the best interest of this country. From 1986—1991 we were a very responsible Opposition, and we were rewarded with victory at the polls in 1991. From 1995—2001 again, we were a responsible Opposition; in 2002 we came back into governance. We are in Opposition again in 2010 and again it is just one term, Mr. Speaker, and we know that we will continue to be a very constructive Opposition, we will not oppose for opposing sake. We are going to support the Government wherever and whenever they bring good legislation before this Parliament; you have my support, Mr. Speaker, on this issue. However, disregard our advice, our criticism at your own peril.

Mr. Speaker, I want to close by stating again, that we support this Bill and we look for the Minister of Finance, particularly, to deal with some of the concerns that we mentioned, one, for example, in terms of effecting payment as quickly as possible and the whole question about this whole idea of cohabitation. I thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** Any other Member? Once! I want to make sure.

**The Minister of Finance (Hon. Winston Dookeran):** Thank you, Mr. Speaker. I must first of all say that we are very appreciative of the support that this Bill has attracted from both sides of the House, and it tells us that we can indeed find common grounds when the national interest is before us. [*Desk thumping*] We hope that in other situations we can try to build the merit for those national grounds.

**5.30 p.m.**

Let me say, first of all, that this Bill, as we have all agreed, is a simple Bill and I believe those who have contributed have all alluded to the fact that this is something that should have been corrected before. If a society takes almost 10 years to make a simple change, it is a reflection of the society's own sense of urgency and priority; and if a Parliament is not able to deal with a simple Bill for 10 years, then there is something fundamentally wrong with its legislative processes and priorities. It is in that context that we said that this Bill could have been easily dealt with during the last term of the government.

Be that as it may, I must say that the Member for Port of Spain North/St. Ann's West lived up to her reputation as a true educator in Trinidad and Tobago. [*Desk thumping*] She explained some aspects of the Bill, for instance, the definition of "statutory authority" and the whole issue of "next of kin" portrays well that we can use this Parliament, not only to debate the issues, but also to educate the population. I must say that I myself found that the Member for Port of Spain North/St. Ann's West made a valuable contribution to the discourse here today.

My friend, the Member for La Brea, was more spirited in his approach and, in his urge to be spirited, he was off the mark more often than on the mark. Notwithstanding that, there were some fundamental issues of interpretation that he raised. Many of the issues that he raised are really matters of interpretation of the law and how it will actually be interpreted in the administration. I will not venture at this stage to try to answer that by adding any further interpretation. What it is important to recognize, though, is that this particular Bill deals with the statutory amendments to make them consistent with the Civil Service Act and, therefore, any attempt to change "interpretation" will require even wider amendments of the legislative process, and I do not think the Members opposite would expect or want any delay in the process of implementing this simple measure, especially since it would require other amendments even if we try to clarify the rules of interpretation.

As I listened to the Member for La Brea—and he asked the very vexing question: "Who is going to be the beneficiary?"—the thought came to me as to whether this Bill really requires a beneficiary in the sense of fighting for something that belongs to him or her. This Bill really allows the family, or those who are concerned about and loved by the person who passed on, to have a little support. Therefore, I do not think it is about the administration of any estate. It is simply about giving the grant of one month's salary, so there is no need to go through the issue of who is the beneficiary.

I would hope, in a society like ours—we do get together at times and the one time we do get together is the moment of death—there would be absolutely no real conflict on that. If there were, I am sure it could be resolved in a family way.

The Bill is very clear, though, and someone will interpret it and the ministry officials will make the interpretation as to the time. I agree that there is need to make sure that this is done immediately and that requires some administrative measures to be put in place because it makes no sense for one to have to wait for this paltry sum of money.

The issue was raised with respect to whether or not we should have used the figure of \$5,000 instead of one month's salary, in order to protect those lower income public servants who may have incomes of \$3,000 or less. Let me reiterate what I said when I presented the Bill; there are other provisions available to provide support in the event of death, one of which is the National Insurance Scheme, therefore, that is not the sum total of one's entitlement.

I also indicated that in the proposals to increase the living wage of public servants—I say that word very deliberately—we embarked on improving the living wage of the public servants. We focused heavily on the issue of medical coverage and even indicated that we would consider the introduction of a death benefit for the public servants, both in the budget of 2011 and subsequently.

Since then, we have been doing some work on an insurance-based death benefit. In today's world, you have to use the innovation and the market to support what you want to achieve, therefore not everything will have to come from the Treasury if we can work out a mechanism that has an insurance element to it and while we are working on these with respect to the medical coverage, we will also be working on this with respect to the death benefit.

We are concerned about providing sufficient support for those who are bereaved at the moment of distress in the family.

**Mr. Jeffrey:** Hon. Minister, I was wondering whether the legal department can have a look at those concerns about who the beneficiaries are. Really and truly, it makes no sense that you have the one month and then you do not know how anybody can access it. The legal department should look at it and come up with some answers.

**Hon. W. Dookeran:** I assure the Member for La Brea that we will make sure that the scope of interpretation is very narrow in this particular matter. I will seek counsel on that matter to ensure that it does not create a problem. I have no doubt that it would not, but administratively it can be dealt with.

The issues that were raised other than those I have mentioned were dealt with very effectively by the Member for Oropouche East when he put the Bill in the context of the longer term challenge of retirement security and sustainable cost. This is really the fundamental issue that we have been debating here.

I am very pleased we have started this debate because it is a debate that requires a wider consultation. The Member for Pointe-a-Pierre—after I consulted him—told me that we would have to do a wider consultation on this major innovative plan for the future and I agree with him.

The fundamental issue raised by the Member for Oropouche East is that there are two objectives: sustainable cost—and he went at length to explain some of the things the Ministry of Finance has been promoting—and, on the other hand, the need for retirement security.

In this country, I think it is safe to say there is a genuine fear among the population about this issue of retirement security in totality and perhaps that has influenced the behaviour for today because there is that genuine fear. Many modern democracies have been able to work out mechanisms to provide that sense of retirement security. That is what we are trying to do; not for the first time.

I know the Member for Diego Martin North/East, who has been here perhaps the longest, would have seen this debate recurring. What we have done is to bring the thing together and say: “Let us have the resolve to tackle it.” You know that this Government, when it embarks on a programme to resolve an issue, it ensures that it takes it to its end and that is where we have placed our stakes.

It is a big job. It has been started three or four times. In fact, I told my ministry officials when we were discussing it the first time—the paper from which the Member for Oropouche East quoted was dated June 2010, which is, a Concept Paper on a Harmonized Universal Pension Scheme for Trinidad and Tobago—I remember our discussion at the time when I said: “Don’t use the word ‘reform’, please. Reform has become a bad word. It has come to mean that something will never happen”.

Therefore, we said harmonized universal pension scheme. We will get the right word later. This process of reform has not really worked and we need to set the template and the objectives and get the necessary tactical work done. Before us, not only the actuaries through a consulting firm which we inherited and with whom we are working; but we have added some new consultants to give us this concept paper in such a way that we can open discussions with the wider community and articulate the programme for the future.

I do not want to give false promises because I realize that the issue of sustainable cost is going to be a critical one and, therefore, such a plan will have to take some years to be effected. Our goal remains one of building for our society a plan where there can be retirement security.

I do not want to put kind to it, but I do not want to give the impression that this will happen overnight. What I can say is that within 18 months we should have a proposal for open discussion in the country with all the details worked out and we have moved much further since.

The Bill, which deals with death benefits, really is part of the wider issue of retirement security, which the Member and Leader of the House spoke about. We are saying that this time this is where we can go and this is how we intend to proceed. There are some little issues that were raised and I have to seek some guidance on the issue that was raised by the Member for La Brea on the tax free status of this.

I will seek that guidance after and let you know the current situation. It is worth some merit, in my view, but I do not know what the laws would say. You are the first one who has raised that.

Many other things were discussed; how much food we eat and how much we drink during Carnival. Many other things were discussed, but the core is what comes down at the end, and the core is that we now have the beginnings of a new debate on retirement benefits; Trinidad and Tobago. I would like to ensure that this debate can go on and on and can eventually be articulated with specific legislation.

I remind hon. Members that I was advised that 23 pieces of legislation dealing with pensions are on the books. Now some of that tend to contradict one another in terms of interpretation. There alone we have, for the lawyers among us, the Member for Port of Spain South and others, to begin to look at that issue which, by itself, will be a complex legal challenge to deal with that over and above the problems that will emerge in the actuarial work that will be required to sustain such an effort.

**5.45 p.m.**

I do not wish to belabour this point any further, Mr. Speaker, except to say that we have stumbled into a very interesting national debate and I welcome the opportunity that has been granted by the Members of this House, by all those who have participated, by the Leader of the House for articulating so well the economic framework within which all this is taking place and in so doing, I beg to move.

*Statutory Authorities (Amdt.) Bill*

*Friday, March 11, 2011*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

#### **FIRST JOINT SELECT COMMITTEE REPORT**

#### **Parliamentary Accommodation**

#### **(Adoption)**

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** I beg to move the following motion standing in my name:

*Be it resolved* that the House adopt the first report of the Joint Select Committee appointed to consider and report to Parliament on essential guiding policies related to Member and staff accommodation during the Restoration of the Red House Project.

Mr. Speaker, this Red House that we are in now is the home of Trinidad and Tobago's Parliament. Despite a very turbulent history, this monument, listed by the Organization of American States (OAS), stands today as a symbol of the persistence and strength of our democracy grounded in the heart of a nation and built with its sweat and tears. However, it urgently requires restoration and adaptation to modern use. This first report of the Joint Select Committee on Accommodation, (2010/2011 Session) focuses on Member and staff accommodation during the intermittent restoration effort. It, however, raises serious concerns about the state of the building that has been battered and neglected for far too long and reports the committee's observation about the condition of the building and the spaces currently occupied by Members and staff.

At its first meeting held on Friday, November 12, 2010, Mr. Speaker, the committee elected myself as the Chairman. At that meeting, it was also agreed that a quorum would comprise five Members, to include one Member from the Government, one Member of the Opposition and one Independent Senator.

I would like to congratulate all members of the Committee on the work done and to also thank the Parliament staff, in particular, Miss Keiba Jacob, Procedural

Clerk Assistant (House of Representatives) and Miss Chantal La Roche, the Legal Officer as Assistant Secretary.

Mr. Speaker, the Red House was originally designed and built as the court house and legislative building and completed in the 1840s. Following the devastating fire during the water riots of 1903, the Government enlarged the building making it more monumental in the process. Over the ensuing decades, the Red House was adapted to also house numerous ministries of the Executive branch of State. However, within the last nine years, only the Parliament has occupied this space. In the course of time, the physical structure of the Red House has deteriorated and today desperately requires restoration. Such works became more critical due to the damage caused by the attempted coup in 1990.

Mr. Speaker, over the years, incomplete planning and the execution of ad hoc renovations have resulted in the following problems with this building:

- Random modifications of the original design,
- Ad hoc renovation and haphazard appearance,
- Loss of the building's historical features,
- Use of unsuitable decor/replacement material,
- Inappropriate design/location of services.

Mr. Speaker, the inadequate maintenance of the building has resulted in many problems, including:

- Increase in the number and severity of roof leaks,
- Inadequacy of services/space to fulfill the users' requirements,
- Deterioration of the building's structural and architectural elements, and
- Insect infestation in neglected areas.

Despite this, the Red House and the adjacent Woodford Square provide a constant reminder to Members of Parliament, as well as the citizens of Trinidad and Tobago, of the responsibility vested in our system of democratic governance and in those elected to office. It followed, therefore, that for quite a while now it was acknowledged that the Red House required urgent restoration. In a recent decision, this Cabinet agreed that the Red House should be restored and dedicated to the sole use of the Parliament of the Republic of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, your committee met three times. During its last meeting held on Friday February 4, 2011, your Committee undertook a comprehensive tour of the

Red House. The Committee took careful note of the state of the Red House and the conditions under which staff are required to work in the building.

Mr. Speaker, the main objective of the Parliament's administrative staff is to enable the Houses and their Members to carry out parliamentary functions effectively.

The duties of the 240 permanent, contracted and seasonal employees of the Parliament are quite varied and they take great pride in their work. Both Houses work unusual hours, more so the House of Representatives, but due to the high regard that the staff has for the Parliament as an institution and their strongly developed sense of public service, there has long been an emphasis on completing work to the highest standard, on time, regardless of formal office hours.

During the tour that the committee took of the Red House, the Committee recognized that the space currently allocated for parliamentary staff in the building is untenable, as is the space available for the legitimate use by Members. Additionally, Members of the Committee observed a number of serious health, safety and emergency issues.

Mr. Speaker, the committee determined three options:

Option I: This proposal would require the restoration effort to be broken into phases while the Parliament continues to occupy the building. This would have meant, however, that we would have occupied whilst work was going on, which would have made life very, very difficult, especially for the parliamentary staff.

Option II: The Committee also considered the possibility of the relocation of the entire Parliament to another building in order to enable the unimpeded progress of the Red House restoration effort.

Option III: Mr. Speaker, this is a partial relocation. This partial relocation was considered by the Committee, however, that would have created further problems with the Chambers being used and then the parliamentary staff being in another building which was really and truly not all that practical.

### **5.55 p.m.**

Recommendations by the Committee: The Committee felt that the time was long past for the unhindered restoration of this very important building, and recommends the early commencement of works in this regard. There was unanimous agreement that all efforts should be taken to ensure that the Red House restoration project is completed within the absolute shortest possible time.



The Committee acknowledged that restoration efforts are fraught with uncertainties, and given the present condition of the Red House, there will be tremendous costs associated with this project. It is against this background that the Committee recommends that all necessary steps should be taken to minimize costs and, therefore, option II was the preferred option by the Committee, which is the relocation of the entire Parliament, including the Parliament staff. The Committee believes that this option would allow a faster, more efficient and cost-effective completion of the restoration project.

Moreover, the Committee is very much concerned about the present condition of the building as well as the safety of Members and staff during the restoration effort which will be commencing soon and, therefore, strongly recommends to both Houses of Parliament the temporary relocation of the operations of the Parliament to a safe and healthy environment as a matter of utmost urgency.

Mr. Speaker, there was one dissenting view which was presented by Dr. James Armstrong, who actually supported the complete renovation of the building, but suggested that the building be put to alternative use. As I said, the Cabinet has already agreed that this will remain the seat of Parliament in the country. [*Desk thumping*]

In conclusion, the report has the following main recommendations: All efforts should be taken to ensure that the Red House restoration project is completed within the shortest possible time; that there should be a complete evacuation of the building during the restoration exercise; and that the appropriate accommodation should be identified and suitably outfitted for Parliament purposes during the restoration project.

Mr. Speaker, I beg to move. [*Desk thumping*]

*Question proposed.*

**Mr. Colm Imbert** (*Diego Martin North/East*): Mr. Speaker, thank you. This building that we are in has been in an unsatisfactory condition for quite a long time. I remember when I came here in 1991, the roof leaked, and I think it still leaks, and there may be some of us who might have been here before that. I think the Member for Tunapuna would have been here before 1991 for a brief period, and I am sure that he might have experienced similar problems.

One of the issues and one of the challenges that various Speakers, various Clerks and other persons who have been charged with the responsibility to repair and renovate this building had to face is to keep it as the place of Parliament, the seat of Parliament, while the renovations are taking place. Those of us who have

*Joint Select Committee Report*  
[MR. IMBERT]

*Friday, March 11, 2011*

done renovations to our homes would know how difficult it is to renovate your home while you are living in it, and it is always much easier if you can relocate and allow the workmen free rein. This has been the challenge faced by various persons. I would not want to ascribe any blame to any of them.

I remember former deceased Speaker, Hector McClean, was very firm in his commitment to renovate this building to the proper standard. Unfortunately, he was unable to achieve that dream before he passed away.

So, I want to congratulate everybody who has had to use this building, including Members of Parliament, staff and Speakers, past and present, for the inconvenience that everyone had suffered in the use of this building. There is another Chamber to the south of us, which has not been used for a very long time. I remember that Chamber being used maybe once or twice when I came in December 1991, and then it fell into disrepair, and we have had one Chamber in this building since then. I would hope that when the building is restored, we can revert to the situation where the Senate would have its own Chamber on the south side and the House of Representatives will have its place where we are now on the north side. I have no argument whatsoever with the recommendations in the report.

With my own experience in the construction industry, I agree that the only way to get this job done is for us to vacate the premises to allow the construction professionals, contractors, consultants and architects, et cetera, to come in and do their work free of any hindrances. What I would ask though is that the Government make its best effort to make our relocation as short as possible. I do not know how long the Government expects the renovation to take. For a building like this, it will take years, in my view, if you are to restore this building to its original architecture.

I would urge the Government to try to get the job done as quickly as possible, because this is a very elegant Chamber—look at the roof, look at the architecture features inside here—this is the elegance that a Parliament deserves. When we move, I assure you we will not be moving to a place like this. It would be an open hall, perhaps, retrofitted to give us some degree of comfort, but it would pale in comparison with respect to the elegance, the tradition and the splendour of this Chamber. I would not want to be out of this Chamber for very long and, therefore, I would urge the Government to make its best effort to do the work, and get all of us back into this prestigious building as quickly as possible.

Before I close, I want to congratulate the Member for Chaguanas East. Unfortunately, there were multiple committee meetings taking place. We had Committee of Privileges, Standing Orders Committee, Anti-Gang and Bail

Committee and the Procurement Committee—I mean about nine committees going on at the same time. So, I was not able to attend any of the meetings, but when I looked at the report I had no objection to the report.

I would like to congratulate the Member for Chaguanas East for the speed at which he got the work done. As I said, we cannot argue with the recommendations, but I certainly do not agree with the dissenting view that this building should be put to alternative use. This has been the seat of Parliament for a very, very, long time. The Red House is synonymous with the Legislature and it should remain so.

Mr. Speaker, thank you. [*Desk thumping*]

**The Minister of Trade and Industry (Hon. Stephen Cadiz):** Mr. Speaker, I would like to thank the Member for Diego Martin North/East who did, in fact, attend some of the meetings. I know that his schedule is extremely busy. One thing I would say is that it is obvious that this country is definitely moving forward. We have matured since May 24, 2010, because it seems as though that, finally, when it is in the national interest that we can get both sides to sit, discuss and come up with solutions for the citizens of this country.

As far as the length of time that we would be looking at, yes the building will take many years, but I am pretty sure with the new style of management that we are going to have, when it comes to major projects like this, we will be back here before five years, so that on our return, we will be sitting on the same side, I am pretty sure. [*Laughter*]

One of the things that we will be looking at with the repair of a national monument like this, would be to engage local craftsmen and local artisans to learn the craft of doing the wonderful work of the ceilings in repairing the building, which is an old structure with old construction methods that were used, that we would really and truly build a cadre of first-class crafts-persons, not just men, who would then go on to repair other national heritage buildings.

I would very much like to thank all the Members of the Committee, including the Parliament staff. I would also like to thank the Parliament staff that is presently working under conditions that are, perhaps, not the best. [*Desk thumping*] From discussions that we have had, it would seem that we would vacate the building at the end of this parliamentary session.

Mr. Speaker, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Report adopted.*

*Adjournment*

*Friday, March 11, 2011*

**ADJOURNMENT**

**The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, March 25, 2011, and on that day we will discuss Private Members' Business. I would ask the Member for Port of Spain South to indicate the nature of our proceedings on that day.

**Miss Marlene Mc Donald (Port of Spain South):** Mr. Speaker, I wish to give the Government due notice that on Friday, March 25, 2011, Private Members' Day, we will be debating Motion No. 3 on the Order Paper. Thank you.

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, before putting the question, may I advise that hon. Vernella Alleyne-Toppin, Member of Parliament for Tobago East, is presently out of the country and has asked to be excused from sittings of the House during the period March 05, 2011 to March 16, 2011. The leave which the Member seeks is granted.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.06 p.m.*