THE

PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIFTH SESSION OF THE TENTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO WHICH OPENED ON JUNE 18, 2010

SESSION 2014—2015 **VOLUME 1**

HOUSE OF REPRESENTATIVES

Monday, August 04, 2014

1.30 P.M.

The House of Representatives having assembled, and it being the first meeting of the Fifth Session of the Tenth Parliament of the Republic of Trinidad and Tobago, the Clerk of the House read the following Proclamation:

REPUBLIC OF TRINIDAD AND TOBAGO

No. 7 of 2014.

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

[L.S.]

TIMOTHY HAMEL-SMITH

Acting President

A PROCLAMATION

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

Now, therefore, I, TIMOTHY HAMEL-SMITH, Acting President as aforesaid, do hereby appoint Tower D, Port-of-Spain International Waterfront Centre, 1A, Wrightson Road, Port-of-Spain, Trinidad, as the place at which the Fifth Session of the Tenth Parliament of the Republic of Trinidad and Tobago shall be held and 1.30 p.m. on Monday the 4th day of August, 2014, as the time at which the said Session shall commence.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago, at the Office of the President, St. Ann's, this 23rd day of July, 2014.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received the following communication from the following Members: the hon. Jairam Seemungal, Member of Parliament for La Horquetta/Talparo; the hon. Dr. Lincoln Douglas, Member of Parliament for Lopinot/Bon Air West. They have both asked to be excused from today's sitting of the House.

Mr. NiLeung Hypolite, MP, Member for Laventille West, has asked to be excused from sittings of the House during the period August 01—12, 2014. Miss Donna Cox, Member of Parliament for Laventille East/Morvant, and Dr. Amery Browne, Member of Parliament for Diego Martin Central, have asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

MEMBER FOR D'ABADIE/O'MEARA (RESIGNATION)

Mr. Speaker: Hon. Members, today at approximately 9.03 a.m., I received a letter from Mr. Anil Roberts tendering his resignation as the Member of Parliament for the Constituency of D'Abadie/O'Meara with immediate effect.

Hon. Members, section 49(2)(a) of the Constitution states, and I quote:

"A member of the House of Representatives shall also vacate his seat in the House where-

he resigns it by writing under his hand addressed to the Speaker, or where the office of Speaker is vacant or the Speaker is absent from Trinidad and Tobago, to the Deputy Speaker;"

In view of the foregoing, I declare that the Member for D'Abadie/O'Meara has vacated his seat in the House.

REVISED STANDING ORDERS

Mr. Speaker: Hon. Members, with the commencement of the Fifth Session, we have begun to use our revised Standing Orders. I would like to encourage hon. Members to familiarize themselves with these Standing Orders, particularly, the changes made to debate.

I wish to highlight just a few areas for noting. Firstly, Standing Order 45, Length of Speeches, and the related Appendix I, provide for a maximum speaking time of 45 minutes. Members are asked to note as well that the onus is now on the Member speaking to request an extension of his or her time, either during his speech or her speech, or immediately upon the expiration of his or her speaking time.

Secondly, Standing Order 48 is the new reference number for Contents of Speeches and encompasses many of the matters often raised as points of order, for example, relevance and use of insulting language. Members may also wish to take the opportunity to read Standing Orders 47 and 49 on Interruptions and matters that are sub judice, which are also related.

Thirdly, Standing Order 24 now allows one Member from each party, in Opposition to the Government, to ask a brief question for 15 seconds only for elucidation on statements made by Ministers of Government.

Fourthly, hon. Members, I would like you to consider Standing Order 26 on Prime Minister's Questions, which states that, and I quote,:

> Prime Minister's Question time shall be held—"During the second sitting of the House each month"—
>
> and "shall not exceed thirty (30) minutes."
>
> During this item of business, "questions may be put to the"—hon.—"Prime Minister relating to current matters of national importance or on the general performance of the Government and Government agencies."

Fifthly, I wish to draw Members attention to Standing Order 55, which is related to Order in the House and in Committee. Please take heed of the extended definition of disturbances of the proceedings, which now include along with tedious repetition, engaging in excessive crosstalk and conversing noisily with another Member.

Hon. Members, I would also like to advise that the Secretariat is currently compiling a companion to these revised Standing Orders. The companion is

intended to assist hon. Members, and eventually the public and the media, with explanations on the purpose and the use of key Standing Orders.

This compilation will include notes on the new standing committees, such as on Government Assurances and on Public Administration and Appropriation. As well, guidance will be given on the new procedures for the operations of the standing Finance Committee, which is to meet in public and on provisions, like Prime Minister's Question time and first reading of Bills.

Finally, hon. Members are asked to note that it is our intention to host a half-day seminar with all Members, as soon as practicable, for general discussion on the implementation of the revised Standing Orders. Hon. Members are therefore asked to be guided accordingly.

STATEMENT BY MINISTER

Constitutional Reform

The Prime Minister and Minister of the People and Social Development (Hon. Kamla Persad-Bissessar SC): Thank you, hon. Speaker. I am pleased to make a statement on this, the first day of the epoch-making and revolutionary changes we have ushered in through the new Standing Orders.

We take pride in the fact that we have been able to overhaul and comprehensively revise our Standing Orders, which operated for over half a century from 1961. Likewise, I am pleased that we take action and we take pride in later introducing the Constitution (Amdt.) Bill, 2014, which seeks to ensure that we keep more of our promises made in our 2010 manifesto. In fact, we will recall, this is the first ever manifesto to be adopted through Parliament as our policy agenda for development and progress.

In that manifesto, we sought to establish a partnership with the people to build unity and ensure prosperity for all. Good governance was sought through effective representation, participation, transparency and accountability. The adoption of the manifesto through Parliament, as our development policy agenda, was the best way to ensure that citizens had the power to hold us to our commitments, and to demand of us, the development and progress that we promised. In other words, we immediately put the power where it rightfully belonged, in the hands of the people.

As outlined in our achievements booklet, hon. Speaker, we have delivered on over 90 per cent of our manifesto promises, contained in our 2010 manifesto,

[*Desk thumping*] and, today, we seek to deliver even more of those promises by keeping our constitutional reform promise to give more power to the people.

1.45 p.m.

Mr. Speaker, if I may give a brief background as to how we have arrived here. On March 02, 2013, the Cabinet appointed a national commission on constitutional reform to engage in the widest possible consultation as a prerequisite to constitutional reform.

Matters for consideration were to include limitations on terms of service by the Prime Minister, a right of recall in respect of non-performing parliamentary representatives, respecting the voices of the minorities, while giving effect to the will of the majority, making every vote count, and also for provision for fixed dates for general elections. These matters, and of course others, were considered by a very distinguished constitutional commission, chaired by the hon. Minister of Legal Affairs, Mr. Prakash Ramadhar and included Madam Justice Amrika Tiwary-Reddy, Mr. Justice Sebastian Ventour, Dr. Merle Hodge, Dr. Hamid Ghany and Mr. Carlos Dillon. This commission operated so as to achieve public involvement. There was extensive consultation, and a careful report with recommendations was produced.

This is a copy, Mr. Speaker, of the report of the Constitution Commission, and thereafter, they went back to the public for further consultations, and an addendum, a supplementary report was also produced.

Mr. Speaker, the Bill, which will be laid, is soundly based on the recommendations and amendments to our Constitution as set forth in the report and the postscript report. I take this opportunity to thank these commissioners, including the hon. Minister of Legal Affairs, and indeed all the many citizens across the nation who made their voices heard and contributed to the dialogue. [*Desk thumping*]

A Constitution (Amdt.) Bill 2014, Mr. Speaker, is to be introduced today which will propose a term limit for the office of the Prime Minister, a recall provision and a run-off poll in elections for the House of Representatives. These measures, Mr. Speaker, require only a simple majority.

Further, I will, in the near future, lay a Bill to fix the dates of Parliament so that the date for general elections will be known. Such a Bill will require a special majority. The reform details, Mr. Speaker, firstly, term limits for the Prime Minister.

In our present proposals there is a simple amendment which prevents the President from offering the Prime Ministership to anyone who has served for two full terms or at least 10 years and six months; which is the two constitutional terms. Once a Prime Minister has served for a period of 10 years and 6 months, five years being the normal five-year life of a parliament and the subsequent 90-day period by which general elections must be held.

We are of the view, Mr. Speaker, that fossilized leadership which entrenches itself via manipulation and control of party politics, is an anathema to the principles of democracy and growth. We have had our fair share of leaders who continue to rule and refuse to give way, even though it is obvious that the time for change had come. This can suffocate new talent and stifle a democracy.

The two-term limit provision is a very important feature to give power to the people and for a powerful democracy. And so, Mr. Speaker, the provisions will be contained in the Bill, so I will not spend time to read the exact wording of those provisions. But I would want to say, it has often been said, that whilst presidents in the American system leave office with dignity and disgrace—with dignity and grace—the presidential system, Westminster prime ministers often cling to power to the very end, and are often forced out of office in indignity and disgrace. These were the words I read long ago in an article by Professor Selwyn Ryan.

And so, whilst the American presidents leave, Mr. Speaker, there is empirical evidence to suggest that this may well be true. Some 91 countries worldwide, Mr. Speaker, have term limits of two terms for their Heads of Government. We are seeking to become country number 92, with term limits for the Prime Minister.

There are many benefits for this, Mr. Speaker, and in the debate we will spend more time, given the constraints of the new Standing Orders. We will just mention the second provision contained in the Bill, the right of recall, Mr. Speaker. This amendment will create the ability to recall individual Members of the House after the expiration of three years from the date of an election. The "right of recall" is a term used to describe a process whereby the electorate can petition to trigger a vote between scheduled elections on the suitability of an existing elected representative to continue in office. This forms part of the systems of government at different levels in several countries including Canada, the United States, Switzerland, Philippines and Venezuela.

Again, the Bill would lay out the procedure for that recall. And there are several benefits for the recall. This again, Mr. Speaker, is to give us a stronger

democracy, a stronger connection between elected representatives and the electorate, and of course, Mr. Speaker, a greater representation at the parliamentary level.

Thirdly, we seek to expand the existing right of recall in the Constitution. We will recall section 49A which is a right of recall, but it is only within the hands of the leader of a party. It was exercised in the case of St. Joseph. What we are seeking to do is to expand that right of recall to place the power in the hands of the people that the people of the country will be the ones to trigger the recall of an MP. [*Desk thumping*]

The right of recall, Mr. Speaker, does not yet exist in Westminster, and so this is a very bold step. It may well be that Trinidad and Tobago may well lead the way for Westminster because we will be the first Westminster-styled democracy that will be adopting the right of recall. Indeed, in the Queen's speech on June 04, 2014, she stated that her Government will introduce legislation on the recall of Members of Parliament. So, we shall be the first in the Westminster [*Desk thumping*] 54 Commonwealth nations of the world.

The third provision, Mr. Speaker, is that of a second ballot run-off voting. This provides, where the House—someone in an election receives less than 50 per cent of the votes cast, then there will be a second poll, a run-off election, where the first and second highest candidates would have a second poll for a run-off election. This is very important, again for participatory democracy and representative democracy. It makes way for representation by the majority. The right of the minority voices will be protected, but at the same time this will give effect to the will of the majority, that a Member of Parliament will be elected by the majority of the votes cast. [*Desk thumping*] Again, there will be provisions within the Bill for the system of the procedures for that.

So, as I close, Mr. Speaker, I indicated that with fixed date elections, we will bring that Bill very shortly, maybe within two weeks' time, to be laid in Parliament. And with respect to other parts of the constitutional reform recommendations through the commission chaired by the Minister of Legal Affairs, those will also be forthcoming.

I thank you very much, Mr. Speaker, and I say that these moves, these initiatives are initiatives we promised in our manifesto in 2010. We placed it into Government policy on our agenda for development, we are keeping those promises to place power and greater power in the hands of the people. I thank you very much, Mr. Speaker. [*Desk thumping*]

CONSTITUTION (AMDT.) BILL, 2014

Bill to amend the Constitution of the Republic of Trinidad and Tobago [*The Prime Minister*]; read the first time.

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (NO. 2) BILL, 2014

Bill to provide for public procurement, and for the retention and disposal of public property, in accordance with the principles of good governance, namely accountability, transparency, integrity and value for money, the establishment of the Office of Procurement Regulation, the repeal of the Central Tenders Board Act, Chap. 71:91 and related matters [*The Minister of Planning and Sustainable Development*]; read the first time.

MISCELLANEOUS AMENDMENTS (REGISTRATION OF DEEDS AND REAL PROPERTY) (NO. 2) BILL, 2014

Bill to amend the Registration of Deeds Act, Chap. 19:06 and the Real Property Act, Chap. 56:02 [*The Minister of Legal Affairs*]; read the first time.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to Monday, August 11, 2014 at 10.30 a.m., and to serve notice it is the intent of the Government to debate Bill No. 1 on the Supplemental Order Paper, the Constitution (Amdt.) Bill, 2014. Mr. Speaker, I beg to move.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 1.55 p.m.