

Leave of Absence

Tuesday, February 14, 2006

SENATE

Tuesday, February 14, 2006

The Senate met at 1.30 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. Brother Noble Khan who is not in the country at this time and also to Sen. Basharat Ali who is ill, from today's sitting.

APPOINTMENT OF MR. VICE-PRESIDENT

Mr. Vice-President: Hon. Senators, I wish to inform you that the President of the Senate, Sen. The Hon. Dr. Linda Savitri Baboolal is at present acting President of the Republic of Trinidad and Tobago for His Excellency, Prof. George Maxwell Richards T.C., C.M.T., Ph.D., the President of the Republic of Trinidad and Tobago who is now out of the country.

During the absence of the President of the Senate, the Vice-President of the Senate will preside over the sittings.

REVOCAION OF APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: SENATOR ROBIN MONTANO

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

Revocation of Appointment
[MR. VICE-PRESIDENT]

Tuesday, February 14, 2006

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution, do hereby declare the seat of you, ROBIN MONTANO, to be vacant.

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 10th day of February, 2006."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI BABOOLAL,
Acting President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

/s/ Linda Baboolal

Acting President.

TO: SENATOR ROY AUGUSTUS

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution, do hereby declare the seat of you, ROY AUGUSTUS, to be vacant.

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 14th day of February, 2006."

Senators' Appointment

Tuesday, February 14, 2006

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following communication:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI BABOOLAL,
Acting President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: MR. NILEUNG ROLAND HYPOLITE

WHEREAS the President of the Senate has temporarily vacated her Office as Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting President of the Senate:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NILEUNG ROLAND HYPOLITE, to be temporarily a member of the Senate with immediate effect and continuing during the period that Senator Dr. Linda Savitri Baboolal has temporarily vacated her Office as Senator.

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 14th day
of February, 2006.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: DR. TIM GOPEESINGH

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I,

Senators' Appointment
[MR. VICE-PRESIDENT]

Tuesday, February 14, 2006

GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, TIM GOPEESINGH, a Senator.

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 10th day of February, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI BABOOLAL, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: MR. ATO JABARI BOLDON

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, ATO JABARI BOLTON, a Senator.

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 14th day of February, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. WALTON FRANCIS JAMES

WHEREAS Senator Brother Noble Khan is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, WALTON FRANCIS JAMES, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Brother Noble Khan.

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 10th day of February, 2006."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Nileung Roland Hypolite, Dr. Tim Gopeesingh, Ato Jabari Boldon, Walton Francis James.

PAPERS LAID

1. The Securities Industry (Amendment) By-Laws, 2006. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]

Securities Industry (Amendment) By-Laws, 2006

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Mr. Vice-President, may I also advise that the Statutory Instruments Committee considered the Securities Industry (Amendment) By-Laws, 2006 and found that there is nothing to which the attention of the Senate should be specially drawn. The minutes of the committee were circulated to Senators.

2. Draft Vision 2020, National Strategic Plan. [*The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith)*]

ORAL ANSWERS TO QUESTIONS

**Enforcement of Order
(Jamaat al Muslimeen)**

17. Sen. Wade Mark asked the hon. Attorney General:

- (a) Could the Attorney General state whether the Government intends to enforce the order for the payment of compensation of interest and costs made by Justice Joseph Tam to members of the Jamaat al Muslimeen during the insurrection of 1990?

- (b) If the Government has such intention, could the hon. Attorney General state what steps have been taken to enforce the judgment of hon. Joseph Tam that the members of the Jamaat al Muslimeen pay compensation which today stands at over \$40 million?

Sen. Mark: Mr. Vice-President, the Attorney General has asked that I agree to a postponement of one week and I have so consented.

Question, by leave, deferred.

**TIC Channel 4/NCC Channel
(Details of Operations)**

38. Sen. Wade Mark asked the hon. Minister of Public Administration and Information:

- (a) Could the Minister state whether TIC Channel 4/NCC Channel 4 is now operating a full-fledged television station in Trinidad and Tobago?
- (b) If the answer is in the affirmative, could the Minister identify the relevant authority which allows the NCC Channel 4 the freedom to operate such a station without a licence?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, Channel 4 is not a full-fledged television station. It operates based on a Memorandum of Understanding between the National Broadcasting Network and the National Carnival Commission for the lease of Channels 4 and 16 and transmits under the provisions of the Wireless Telegraphy Ordinance, Ch. 36, No. 2.

All broadcasters are currently operating under an extension to the Wireless Telegraphy Ordinance until December 31, 2005. This extension was granted under section 85 of the Telecommunications Act, 2001 as amended. An application is currently being prepared for submission to the Telecommunications Authority of Trinidad and Tobago for a concession to continue operations of Channels 4 and 16 after December 31, 2005.

**NCC Channel 4
(Details of six-month lease)**

39. Sen. Wade Mark asked the hon. Minister of Public Administration and Information:

- (a) Could the Minister indicate to the Senate whether the NCC Channel 4 has been granted another six-month lease renewal and effective from when?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, a Memorandum of Understanding between NBN and the NCC for the lease of Channels 4 and 16 was extended with effect from October 15, 2005 to February 28, 2006 and has been further extended from March 01, 2006 to June 30, 2006.

**TIC Channel 4/NCC Channel
(Replacement of Employees)**

40. Sen. Wade Mark asked the hon. Minister of Public Administration and Information:

- (a) Could the Minister state whether it is the intention of the Government to force employees out of the Ministry of Information in order to facilitate its replacement by the TIC Channel 4/NCC Channel?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, the Government has no such intention.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Wade Mark:

**Special Purpose State Enterprises
(Details of)**

- 23.** (1) Could the hon. Prime Minister and Minister of Finance inform the Senate whether the recently created fifteen (15) special purpose State Enterprises are limited liability companies incorporated under the Companies Act and as such constitute private entities carrying out what might otherwise be regarded as governmental functions?
- (2) Could the Minister provide a detailed breakdown of expenditure for each of the special purpose entities since they have been established?
- (3) Could the Minister provide a detailed listing of the directors, qualifications, remuneration as well as other terms and conditions of employment of each of the fifteen (15) special purpose State Enterprises? and
- (4) Could the Minister state whether these companies would be subject to financial scrutiny and probity of the Auditor General of Trinidad and Tobago?

Written Answer to Question

Tuesday, February 14, 2006

Vide end of sitting for written reply.

**JOINT SELECT COMMITTEE
First Report—Part I
(Adoption)**

Sen. Parvatee Anmolsingh-Mahabir: Mr. Vice-President, I beg to move the following Motion standing in my name:

Be it resolved that this House adopt the First Report of the Joint Select Committee of Parliament appointed to inquire into and report on Government Ministries with responsibility areas listed in Part I and on the Statutory Authorities and State Enterprises falling under those Ministries.

Mr. Vice-President, Members of your committee were appointed on November 15, 2002 and November 19, 2002 from the House of Representatives and the Senate respectively. The Members appointed were yourself, Mr. Rawle Titus, Mr. Conrad Enill, Mr. Satish Ramroop, Mr. Wade Mark, Mr. Sadiq Baksh, Dr. Keith Rowley, Mr. Hedwige Bereaux, Mr. Fitzgerald Hinds, Mr. Ganga Singh, Mrs. Kamla Persad-Bissessar, Mrs. Eulalie James and yours truly, Mrs. Parvatee Anmolsingh-Mahabir. Mr. Danny Montano replaced Mr. Conrad Enill on the committee with effect from May 27, 2003.

Your committee held its first meeting on November 29, 2002 and at that meeting I had the honour of being elected chairman and you, Sir, Mr. Rawle Titus, were elected vice-chairman.

The report of the joint select committee, Part I, on which this Motion is based, encompasses the period November 25, 2002 to May 31, 2004. This report covers the work of the Law Reform Commission of Trinidad and Tobago which falls under the aegis of the Ministry of the Attorney General. The report of the Law Reform Commission for the period 2000 to 2001 was laid in the House of Representatives on February 07, 2003 and in the Senate on February 11, 2003.

Section 66A of the Constitution provides this committee with its mandate, which is:

“To enquire into and report to Parliament on Government Ministries with responsibility areas listed in Part I of the Appendix and on the Statutory Authorities and State Enterprises which fall within the purview of such Ministries or which receive funding from the State of more than two-thirds of their annual total income in any one year on the administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions.”

Undoubtedly, an important function of this committee is scrutiny, and under Standing Orders 79B(2) of the House of Representatives and 71B(2) of the Senate, the committee is empowered to study and report on all matters relating to its mandate which includes the management and operations of the ministry or body assigned to it by the Parliament. Standing Orders 79B of the House of Representatives and 71B of the Senate also provide your committee with the powers to send for persons, papers and records and to examine witnesses. Your committee represents the entire Parliament and acts as one.

As Chairman of the committee I wish to thank all Members for their contribution to the work of the committee. We are all aware that it is always a hazardous exercise in matters of this nature to identify any one Member for special approbation but I would be remiss in my duty if I did not single out the Member for Laventille West, Mrs. Eulalie James. This Member never missed a meeting during the reporting period and without whose presence there would have been no quorum. I wish Mrs. Eulalie James all success in the future. Mr. Edward Hart, the Member for Tunapuna, has filled her position in the committee.

I must note also that the staff of the Parliament worked above and beyond the call of duty to ensure that all arrangements were in place for each meeting. From the inception of your committee there were a few teething problems. It was necessary during its deliberation to make the following observations:

1. To facilitate the efficient operations of the committee, a secretariat should be fully established with parliamentary staff dedicated to the committees.

This requirement has been partially met and I must thank the Minister in the Ministry of Finance, Sen. The Hon. Conrad Enill, for providing the necessary funding and to have the core of a secretariat established. Thank you, Mr. Minister. However, I must add that the Joint Select Committee, Part I—in fact, if I may have the permission of the other chairmen, the joint select committees require as a matter of urgency, legal counsel as well as analysts to assist with their work.

Although we were fortunate to have had a quorum for our meetings, we would have been doubly delighted to see full participation by all the Members in order to obtain a wider perspective on issues. However, that did not deter the Members present from executing their parliamentary duties with dynamism and enthusiasm. A list of our attendances is attached at Appendix III of the Report.

During the period under review, your committee examined the following:

1. The annual report of the Law Reform Commission of Trinidad and Tobago for 2000 to 2001.
2. The administrative review of the Ministry of the Environment Programmes, Personnel and Operations, 2000.
3. The status report on the Ministry of the Environment dated December 10, 2001.
4. The status report of the Ministry of Public Utilities and the Environment, October 2002.

Subsequent to these examinations, the Chairman and Members of the Law Reform Commission and the Permanent Secretary of the Ministry of Public Utilities and the Environment were invited to appear before the committee to make oral submissions.

Your committee is continuing its deliberations on the reports of the Ministry of Public Utilities and the Environment and its findings would be reported in the committee's second report.

On examination of the Law Reform Commission, your committee focused on the following issues:

1. The independence of the commission.
2. The inadequate physical accommodation and professional staff.
3. The merging of the Commission's library with that of the Attorney General.
4. The lack of budgetary control.

In our meetings with the officials from the Law Reform Commission we found the following:

1. That the Law Reform Commission was treated as a separate entity prior to 1990.
2. That the space allocated in the Cabildo Chambers is inadequate.

Some of the major recommendations made by your committee for the efficient, effective and transparent operation of the Law Reform Commission are:

1. That the Law Reform Commission should be a fully independent body.

2. That the Law Reform Commission should have a building that meets the needs of the Commission.
3. That the Law Reform Commission should be given the required financial and other resources to facilitate the process of public consultation on Bills to be drafted.

Your committee presented its first report to this august House on Tuesday, September 28, 2004 and in the other place on Wednesday, October 13, 2004. As required by the Standing Orders 71B(12) and 79B(13) of the Senate and the House of Representatives respectively, I quote:

“The Minister responsible for the Ministry/Body under review shall, not later than sixty days after a report from a Joint Select Committee, relating to the Ministry/Body, has been laid upon the Table, present a paper to the Senate responding to any recommendations/comments contained in the report which are addressed to it.”

2.00 p.m.

The response of the Attorney General, the Minister responsible for the Law Reform Commission was subsequently laid in the Senate on Tuesday, March 22, 2005, and in the House of Representatives on Friday, April 15, 2005.

The committee studied the response of the hon. Attorney General, took cognizance of it and agreed that a review should be conducted in the future to determine whether recommendations of your committee as well as that of the Attorney General were implemented.

With the adoption of this report it is the hope of the Joint Select Committee (Part I) that the recommendations would be speedily executed for the efficient, effective and transparent operation of the Law Reform Commission of Trinidad and Tobago, for the benefit of the citizenry of our country.

I beg to move.

Question proposed.

Sen. Wade Mark: Mr. Vice-President, in speaking on this particular Motion may I take this opportunity to formally welcome Sen. Ato Boldon to this honourable Senate. Although we have been seeing a lot of Dr. Tim Gopeesingh, I take this opportunity to welcome him to the Senate on a more permanent basis.

This particular experiment of the joint select committee is a rather new one to this honourable Parliament. As the Chairman of the committee indicated, there

have been some teething problems experienced by this committee and even though the committee held its first meeting on Friday, November 29, 2002, and is now tabling its first report in the Senate, it has been a very challenging experience for not only this committee but also many other committees.

May I take this opportunity from the very outset to second the Motion and for the adoption of the report. I will speak at the same time as I have started.

I do not know if the Attorney General looked at page 8, paragraph 17 of this report. You will see where the committee noted that the Law Reform Commission produced the following draft legislation among others, during the reporting period 2000 and 2001. One of the reports quoted in the Law Reform Commission Report that we dealt with was a working paper on corruption and serious fraud. We hope that in this particular debate the Attorney General will tell us where the Law Commission is on this particular report. They had begun some work and advanced several recommendations for consideration and ultimate implementation. I would like the Attorney General to brief the Senate as to where this report is at the present time.

A very interesting report that was also outlined in our deliberation with the Law Reform Commission had to do with a report focussing on the interception of communication and the need to establish a regulatory framework. The report was forwarded to the Attorney General for his comments about two years ago and the Law Reform Commission at that time and we have seen nothing to provide us with any new information. They had indicated then that they were still awaiting direction and comments from the hon. Attorney General. This question is a very important one because it is illegal for any government or members of the protective services of this Republic to intercept communication of a private nature, whether you are using a cellphone, landline, fax machine or Internet services. We have been disturbed.

I can tell you from my personal knowledge that whenever I use my cellphone and even landline I get some strange noises in the background. I have asked persons who seem to be better qualified than I, to listen and give me their opinions on this matter. I have been told that it is a clear case of my system being jammed. By whom? I do not know. It is not only my cell but also several Members of the official Opposition have experienced that same kind of jamming and interception in their communication.

It is being said the Blimp in the sky is not simply there to look for criminals but also to intercept communication. I understand that there is very sophisticated equipment in the Blimp and the instruments can allow them to intercept conversations on your cellphones and telephones. My information is that the very expensive \$16 million worth of Israeli electronic surveillance equipment located in Port of Spain—for security reasons I will not identify the location. I know where these pieces of equipment are located in Port of Spain. I have been advised and warned by a security expert to be very careful with my cellphone. I raise this matter in connection with this particular report on page 8 of this matter.

I will like the Attorney General to tell this Senate whether the Government of Trinidad and Tobago is engaged in activity aimed at intercepting communication, whether by way of telephone, cellular phone, fax machine or Internet services.

Sen. Jeremie: If Sen. Mark will give way. The straightforward answer to your question is that the Government is not engaged in any illegal activity.

Sen. W. Mark: Is the Government using the \$16 million electronic surveillance equipment to conduct that kind of exercise directed at certain citizens in this Republic? Could the hon. Minister indicate whether he is aware that the electronic equipment is being used to intercept communication used by citizens of this Republic? Whether it is lawful or unlawful, the question is whether the equipment is being used for that purpose. I guess he will have the chance to respond.

It is a very serious matter. Just recently we learnt that in the United States of America, the President of the United States took it upon himself to eavesdrop on citizens and that is prohibited under the constitution of that republic. In Trinidad and Tobago, if the Government wishes to spy on drug lords and intercept communication, who can be against it? The Opposition will not object to this move. If the Government has intelligence concerning criminals who are about to commit heinous offences including treason against the Republic of Trinidad and Tobago, who would be against the Government intercepting communication in the interest of national security? We have a problem where the Government is using resources of the State to spy and intercept communication on lawful citizens.

Sen. Jeremie: Mr. Vice-President, once more I want to give Sen. Mark the assurance that the Government is not doing anything which is illegal. By definition it is not doing anything which is oppressive and injurious of the rights of ordinary citizens.

Sen. W. Mark: Mr. Vice-President, I am happy that the Attorney General has provided some guidance. This is a report on the interception of communication and we need to establish a legal regulatory framework. I am asking the Attorney General after three and a half years, what is being done to put legislation that would give any government the right to intercept communication? If we are to do things, we must do them properly. The Government has a responsibility to establish legislation in an effort to carry out its duties to the citizens of Trinidad and Tobago. I will like the Attorney General to tell us during this particular debate, when will the Government of Trinidad and Tobago be taking steps or measures to bring legislation to Parliament to deal with the interception of communication?

The Law Commission has indicated that since 2002 they have been awaiting comments and directions from the Attorney General. It was the former Glenda Morean and now it is Sen. The Hon. John Jeremie. We ask the Attorney General to brief this Senate as to where the Attorney General's department is on legislation to deal with the interception of communication in our Republic. I think that it is very important that we get information on that matter.

There are many other pieces of legislation on page 9 of this report that the Attorney General needs to brief us on. Where are we with the Prevention of Corruption Act? We are only seeing advertisements in the newspapers and the Attorney General accepting a measly US \$50,000 from a representative from the United Nations Development Programme (UNDP) to enhance and upgrade legislation. One gets the impression that the Attorney General is interested in abolishing or repealing the existing Integrity in Public Life Act and putting new legislation in its place. He is boasting that he has received a measly US \$50,000.

Sen. Jeremie: Can I correct my friend? The \$50,000 was the second tranche of a grant which the Government received sometime ago. It amounts to US \$100,000 which was intended to bring certain expertise which we have received in providing a legislative framework for new integrity legislation. That is not yet before Cabinet. I cannot provide you with the answers which you seek this afternoon.

Sen. W. Mark: Mr. Vice-President, I thank the Attorney General for guiding us on this one. Is the legislation as identified on page 9 of this report, the Prevention of Corruption Act, being considered by the Attorney General or is he thinking about introducing new legislation that will encompass this particular element? You can indicate to us in your contribution.

There is also the question of the Regulation of Retail Tenancies Bill which is before the Board of Commissioners. That is another area I suspect that the small vendors and tenants are very concerned about. These tenants are under severe pressure in terms of rent and utility bills. I imagine that the Government is seeking to introduce legislation. The Law Reform Commission had in mind the need to bring about regulation in this particular area of business activity. There are many challenges facing tenants particularly at the level of the malls. I will like to know where we are from the Attorney General.

Legislation for the real estate industry was before the commission at the time. I imagine that the Attorney General will tell us where this legislation is at the moment. It is important for the Government to pay attention to the real estate market. Would you believe that the money laundering market or industry is valued conservatively at close to \$15 billion to \$20 billion? The money laundering industry is about to either rival or surpass our national budget. One of the key areas that drug lords and barons use to bring dirty money into clean money for purposes of trade and other activities is through real estate. I will like the Attorney General to tell us what is being done with the regulations that will govern the real estate industry. That is a loose industry in our country. People are buying properties in this country in cash. Even recently, the banks were complaining.

I think Mr. Harford was saying that they were sending information to the relevant authorities on persons engaged in transactions beyond a certain level or amount and they were not getting the kind of responses from the relevant authorities. One wonders whether the issue of money laundering is being properly addressed in this country. This is why I have called on the Attorney General to let us know where the Attorney General's department is with legislation for the real estate industry.

In this document we were told by the Law Commission that there was a paper on the management structure of Parliament. That paper was prepared; a Bill was drafted and we do not know where we are with the management structure of Parliament. Maybe, Sen. Dr. Lenny Saith could confirm this. We do know that the Prime Minister of our Republic has indicated—I saw it in the newspaper and maybe the hon. Attorney General could deny it here and now—that the Prime Minister and the Ministry of Public Administration and Information have given the Clerk of the House of Representatives a certain time frame in which they must vacate the premises of Parliament. This appeared in the newspapers and no one has denied it to date.

Sen. Dr. Saith: I thank the hon. Senator for giving way. I am not aware that any such orders have been given to the Clerk of the House about the movement of Parliament. If you read it in the newspapers—I read a lot of things in the newspapers including all that I read today. I do not believe half of it.

Sen. W. Mark: Mr. Vice-President, I thank Sen. Dr. Saith.

When important matters are printed in the newspapers and you allow these things to sink into the consciousness of the citizenry of this Republic, eventually people would begin to believe. This is why in the case of the President's grounds and the Parliament, people have all kinds of negative connotations to describe the Prime Minister. Where there is smoke there is fire. We know for a fact that it was always the intention of this present administration to use this Parliament or a section of it for the Prime Minister's office. I will like Sen. Dr. Lenny Saith or the Attorney General to tell this Senate whether there is any intention on the part of the Government of Trinidad and Tobago to use any section or portion of this Parliament as the Prime Minister's official office. This is what is being rumoured all over the country.

Sen. Dr. Saith: I thank the hon. Senator for his advice that when you read something in the newspaper you should probably deny it right away. I hope that in the course of his discourse he will either confirm or deny that Mr. Ganga Singh is about to be fired as Chief Whip.

Coming back to the point, the Government has stated in no uncertain terms that it proposes to construct a new parliament building. Discussions have been held with Members of this Senate on the question of a new parliament building. When that is done this building would be used partially for the office of the Prime Minister; partially for public accommodation and perhaps some sort of facility for the history of the Parliament. We have said that. We have not got there yet. When we get there we will take the appropriate steps to have this done in accordance with whatever laws exist. I read the article in the newspapers which seems to suggest that we have given an ultimatum for people to move and that is not so.

Perhaps you could clear up some things that we read in the newspapers.

Sen. W. Mark: I am focussing on the legislation at this time. I am glad that Sen. Dr. Lenny Saith is engaging me. The reality is that the Parliament is a very historic building as we have grown to know it and there is much emotional attachment to where it is located. I was in Parliament between 1995 and 2001 when the UNC occupied the corridors of office. I could distinctly recall, and the records of Parliament will prove, that there was a unanimous decision taken by

both Houses of Parliament and if not both Houses of Parliament, I know for a fact the House of Representatives, to ensure that we repair, refurbish and renovate the existing Parliament. At that time the PNM was in Opposition and supported that particular report.

I would like to know if the Parliament and in this instance the House of Representatives has taken a decision unanimously to keep Parliament here, renovate and refurbish it, how can a Cabinet take a decision to overturn that particular collective unanimous agreement arrived at by all Members of Parliament? I would like Sen. Dr. Lenny Saith—maybe in his contribution if he wishes to speak—to indicate whether that decision that was taken at the time by Parliament has now been overturned by the Cabinet of Trinidad and Tobago, or whether before any decision is taken to build a new Parliament, the parliamentarians must have a big role in determining whether the Parliament goes or stays.

2.30 p.m.

Mr. Vice-President, while we know theoretically—I am on the Motion. It is the structure of the Parliament. This is what I am dealing with here. It is on page 9. We have to elaborate because the chairperson could not have put everything in the report, and I have to elaborate on some things. I was a Member of the Committee; otherwise, we would have had a very voluminous report. All I am asking for is clarification on these matters because I think it is an attempt to usurp the power of the Legislature in determining where it should sit. We should not have a cabinet and a Prime Minister determining where the Parliament should meet or where the Parliament should sit. The Parliament should have that power and that authority, and we would like to know whether the decision of 2001 that was taken by this Parliament still stands? [*Interruption*]

Sen. Dumas: Yesterday was yesterday. Today is today.

Sen. W. Mark: Is that an indication that you have tossed it out of the window? I want to go to page 12 of the report, and one would see some of the findings and some of the recommendations, as well as the Attorney General's response to the report.

Mr. Vice-President, the Law Reform Commission is a very important institution under the present arrangements in Trinidad and Tobago, and we know prior to 1970 the Law Revision enjoyed a certain degree of independence in the context—I am not saying it is not independent today, but I am saying in the context of its owning or having its own accommodation and separate and apart

from the Attorney General's office. The Law Commission at the time when this Committee met with the body was very strong on the need for this institution to be separate and away from the Ministry of the Attorney General. They were arguing that there is need for them to have their own accommodation and not be entrenched on the fourth floor of the Attorney General's building, the Cabildo Chamber. It was a very sound argument and, I think, the Attorney General in his contribution said that he would be willing to recommend to Cabinet, subject to the availability of resources, the provision of a separate building to accommodate the staff of the Commission. This was on March 15, 2005 when it was tabled here. I think the recommendation is a very strong one and I would like the Attorney General to take steps to effect the recommendation that has been advanced by the committee to ensure that effort is made to have the Law Reform Commission housed in a building separate and apart from the Ministry of the Attorney General. In our recommendations, the Committee advanced a number of important areas of concern and that would, in the final analysis, make the Law Reform Commission function more efficiently and more effectively.

We also recommended for the consideration of the Attorney General the need for us to look at the possibility of merging both the Law Reform Commission and the law revision body. But in the Attorney General's response he said that is a matter, in the case of the Law Revision Commission for the Minister of Legal Affairs. I am not too sure if the Minister of Legal Affairs, the Hon. Christine Kangaloo has had an opportunity to look at this report because since the hon. Senator is the Minister with responsibility for the Law Revision Commission and having regard to the recommendations made by the Committee as it relates to merging of both the Law Reform Commission and Law Revision Commission, it is incumbent upon the hon. Minister to look at this matter and see to what extent it is possible to accommodate this recommendation.

We began to examine the Ministry of Public Utilities and the Environment but in our next report we will have much more to say on this particular Ministry because all we had in this report were some points and I would not want to go into that at this time.

Mr. Vice-President, suffice it to say, on page 14, under "Observations"—We know we have gone from 36 Members to 41 Members. The next election in this country will be contested under that particular arrangement. The ideal arrangement for this Parliament when we have Joint Select Committee meetings is to have back-benchers. When you have a cabinet in which there are no back-benchers because of the slim majority that the Government holds at this time,

every single Member of Parliament, whether in the Upper House or the Lower House, because of the nature of our committee is compelled to sit on these committees. When they sit on these committees because of their onerous duties and responsibilities—I was there and I would be there again, but I am just indicating that I can understand and sympathize with Ministers who are unable to attend these committee meetings because they have to deal with the delivery of goods and services to the people of the Republic who provided them with a mandate so their priority is not coming to these committee meetings and, therefore, what happens is that the work of these committees is frustrated.

I was shocked when I saw on television last night Sen. Mary King heading a committee, and apart from the two Opposition Members who are Members of the committee and who were present, not a single Government representative was present from the Lower House. And it is not to say that the chairmen and chairpersons have not sought the intervention of the Prime Minister.

I myself have spoken with Sen. Dr. Lenny Saith on another Committee which I chair, the Public Accounts (Enterprises) Committee, Sen. Howard Chin Lee always promises to come. I do not know why you stay so long to come. Every time we ask you to come you do not come and I can understand Sen. Chin Lee, because he is the Minister of Tourism and he has a lot of tourists he has to deal with therefore he has no time for these committees.

Mr. Vice-President, because of the lack of participation by the Government Members we are being frustrated, the committees are being frustrated. With the best effort in the world Sen. Dr. Deosaran cannot hold a proper meeting of his committee or Sen. Anmolsingh-Mahabir or Sen. Mary King. I can talk about my own experience. I have had to abort meeting after meeting because of a failure to mount a quorum. I think that we need to do something where we can at least allow these committees—we need a smaller Cabinet. Why have a 26- or 28-man Cabinet when you could have a 16-man Cabinet. Britain has about 60 million persons and the British cabinet is about 15 to 18 members. We have 1.2 million persons and every Member of Parliament is a member of the Cabinet. That is not only wastage, but it is inefficiencies that you generate at the same time and do you know what is sad about it? There is no delivery. With everybody in the Cabinet there is no delivery whatsoever. The country is suffering and they are waiting to exhale.

Mr. Vice-President, if I turn to page 14, 24(i); there is a recommendation and it reads:

Joint Select Committee Report
[SEN. MARK]

Tuesday, February 14, 2006

“To facilitate the efficient operation of the Joint Select Committee, a committee secretariat should be fully established with parliamentary staff dedicated only to joint select committees. This secretariat should also include offices for the chairmen.”

I must admit with the limited space—and I compliment the Speaker and the President of the Senate, because with all the efforts by the Prime Minister and the Government at hiving off half of the Parliament—Mr. Vice-President, anything south of the rotunda is like off limit. It is like that; are you planting bombs or there are highly placed explosives and it says “Do not go beyond that. The reason I am raising this, the Chairmen and Members of the Committees have been given limited facilities.

I am glad for the first time the Vice-President of this Parliament has been honoured and has been given the privilege of having an office. [*Desk thumping*] I am happy for the Vice-President, because when I was Vice-President of this Senate in 2001, I was a squatter. I had no place here. I had to go in a Committee Room. That is the disrespect. I am saying that the Parliament, at that time, and even today where we can, in fact, get more room, where we can have two Parliaments, the Senate, as well the House of Representatives, there is a no zone—in other words, it is a no flying zone in that area because of the fact that the Prime Minister is bent on converting the Parliament into his own prime ministerial official office. [*Interruption*] No, that is an excuse for the Prime Minister to hijack the Parliament, and it is wrong and we object to the Prime Minister coming into the Parliament to have his own official office. Stay in St. Ann’s or go to Tarouba where there is a tsunami shelter. But leave the people’s parliament alone!

Mr. Vice-President, what we are saying here as a committee is that we need to strengthen our secretariat. I must compliment again the parliamentary staff. They work hard, they try their best, but you stretch them too thin. They cannot do it on their own again. We need more staff. We need more professional people to intervene in our parliamentary work. We need more lawyers in the Parliament. We should have a legal department. We should not depend on the Attorney General or the Solicitor General’s Department to provide us with lawyers, and for us to get legal opinion. The Parliament should have its own legal department. [*Interruption*] That is all you are saying. That is a song and record that is stuck, new Parliament, to justify the Prime Minister coming here.

Mr. Vice-President, I support fully this recommendation that we need to get more staff and more professional staff as well, in this instance.

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, I want to make it very clear that I am not in the business of advocating any personal agendas or seeking to advance my own interest, but I think, when we, as Members of Parliament effect measures in the interest of this Republic, people ought to be reasonably rewarded, I think people should be suitably rewarded, and the few Members who keep the committee system alive in this Parliament, it seems like somehow the Government of Trinidad and Tobago is totally insensitive to the kind of efforts that the Members of Parliament who are not Government Ministers actually make. Would you believe that all of us have been on committees for the last four years, and even though we had discussions with the Salaries Review Commission justifying why Members of Parliament ought to be granted a small stipend for their duties and responsibilities as Members of committees and the SRC responded to our intervention; the SRC made recommendations to the Cabinet of Trinidad and Tobago, and we do not know what those recommendations were. We have not seen those recommendations and I would like the hon. Minister of Public Administration and Information to let this Parliament know what is the rationale, what is the reason for this delay and implementation of the SRC recommendations. I know under the Constitution of our Republic as I understand it, the SRC is an independent body and if the SRC recommends, whatever they recommend it goes to the President, the President sends it to the Prime Minister, the Prime Minister takes it to the Cabinet. It is either the Cabinet rejects or the Cabinet accepts and how does the Cabinet do this? It brings that matter to the Parliament.

Mr. Vice-President, we have never seen that report that went to the Prime Minister and I do not know if it ever reached the Cabinet. But for almost three years we have been labouring in the vineyard doing public duty, sacrificing for instance, our other responsibilities just to make sure that these committees are kept alive in this Parliament and at this time without any excuse, without any defence, without any kind of proper rationalization, to date we have not been given any justification as to why Members of committees are being denied a stipend in order to carry out their responsibilities. And I think that the Minister of Public Administration and Information owes us an explanation as to why he is denying Members of Parliament their just dues. We are not Ministers of

Government. We are doing our duty. I do not know if the problem stems from the fact that the Prime Minister did not want his Cabinet to get two salaries. If he does not want the members of Cabinet to have two salaries he should deal with that. Do not put them on a committee, and only put back back-benchers.

Sen. Prof. Deosaran: Mr. Vice-President, could I ask the hon. Senator a question very relevant to what he is saying? Is he aware that section 141 in the Constitution, subsection (2) requires that the Prime Minister lay a report from the Salaries Review Commission on each House as soon as possible upon receipt? I am merely asking the Senator if he is aware of section 141 with respect to the point he is making about the Prime Minister's apparent delay in what is a proper report in a responsible way to this Parliament?

Sen. W. Mark: Mr. Vice-President, in response to my hon. colleague and friend, Prof. Ramesh Deosaran, I am very conscious of section 141, and this is why I am of the view that the Prime Minister is breaking the law. The Prime Minister is violating the Constitution if the Prime Minister under section 141 is compelled by the Constitution upon receiving a report from the SRC to table that report in Parliament regardless of your feelings. This is not about how you feel. This is not a dictatorship. This is democracy and regardless of your feelings about something, table the report in the Parliament, but the Prime Minister has refused to do that and the other members of Cabinet have remained mum on it as well. As I said, I do not want to blow my own trumpet. I feel it is an unjust development and, for instance, the hon. Minister of Public Administration and Information owes us a proper explanation as to why Members are being denied their just dues. And the Prime Minister owes us an apology as well.

Mr. Vice-President, if you go to page 15 of the report you will see where in (iii) it is stated:

to expedite the study of reports and other voluminous documents received by your committee a team of professional research analysts ought to be engaged.

So again, the committee is appealing, the committee is making a case for more professional personnel to be attached to these committees so that we can improve on the quality of work that we have been doing, and I am sure we will continue to do.

Mr. Vice-President, one of the things I would like to suggest to Sen. Dr. Lenny Saith, through you, is that the time has come for this Parliament to have fully engaged professional parliamentarians. Sen. Dr. Saith, I reiterate that the time has come for the Parliament to have in its employ full-paid professional

parliamentarians. We cannot continue to do justice to the citizenry of this country on a part-time basis. There is so much work to be done and we cannot continue to do the work on a part-time basis so I throw out this particular idea and suggestion to Sen. Dr. Lenny Saith, as Leader of Government Business, to determine for instance, what steps can be taken to transform this Parliament, and the Members I am referring to specifically from performing part-time duties into performing full-time duties and responsibilities on a professional basis. I think that the Parliament, we are a democratic Republic and we have had Independence since 1962. We are over 40 years as a young nation and from all the experiences we have gathered and garnered from abroad, Parliaments are able to work more effectively, more efficiently and they are able to deliver quality work if you are able to have these parliamentarians engaged on more a full-time basis and less on a part-time basis. And I would like the hon. Dr. Lenny Saith to give consideration to this particular suggestion in the context of the way forward.

As I said, I would not want to spend too much time on the Ministry of Public Utilities and the Environment. My remit in the context of contribution today is to focus exclusively on the findings and recommendations of the committee as it relates to the Law Reform Commission in the Republic of Trinidad and Tobago. This is the first time and I compliment the chairman of our committee. I think although she was new, like a number of other committee Members, the chairman has been able to really establish her presence and she has been able to command wherever she can, the necessary resources and support to ensure that we do the work that we ought to do and have been doing.

I would also like to recognize the sterling contribution of my good colleague and friend, the hon. Eulalie James. I think hon. Eulalie James is a very simple, unassuming, but very decent, dignified, civilized, but very honest individual, and I do not know what she is doing. But she has consistently attended all the meetings. The only time that the hon. Minister could not have come is when she was ill and as the chairman of the committee said, she always contributes whenever she comes. She is always fighting for her constituency.

I would like to put on public record the appreciation of not only myself but I dare say Members of our bench as it relates to the contribution of the hon. Eulalie James to this Committee of the Parliament.

3.00 p.m.

I would also like to extend to all my colleagues who have been there with us and to Sen. Sadiq Baksh who has always been at these committee meetings—I

saw recently where our friend, Mr. Eddie Hart, has replaced someone. He is consistently present. I think that he has shown a level of discipline in coming to these meetings, even though he is a junior minister.

I would like, on behalf of all the members of the committee, to record my appreciation for the work they have done. I hope that the Government would put into effect some of the recommendations, if not most, in an effort to ensure that we make the system of governance more effective and goods and services more efficiently distributed.

I thank you very much.

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Thank you, Mr. Vice-President. I rise to take the opportunity to welcome our two new Senators. Sen. Dr. Tim Gopeesingh has been here before and has now moved from 10 days to a more long-term—I will not say permanent because there is nothing permanent, we know, about senatorial appointments. I welcome him here for a longer period.

I also welcome Sen. Ato Boldon to the Chamber. He has had a distinguished career in athletics. I am sure that, after a few sittings, he would realize that this is slightly different to the track. He can run but he cannot hide. Welcome, Senator.

I just want to touch on a few points because I think that Sen. Mark raised a number of issues. It goes back to the fundamental nature of what we are trying to do in this exercise. He also made an excellent presentation for building a new parliament building. If you want to have full-time parliamentarians, then they should have offices out of which to operate. These committees need staff and I am sure that, when the time comes, we will get the full support of the hon. Senator in creating a new parliament building for the country. [*Interruption*] It will come.

Let me go back to the fundamental issue—these committees. As you are aware, Mr. Vice-President, these committees were established, I think in 1999 and the rules drawn up in 2000 by the then UNC government. I believe that their first attempt to operationalize these committees was on the basis of government Members chairing them. They pretty soon ran into the same problem of attendance because ministers found it difficult, even at those times, to attend and the government Members who were made chairmen had even more difficulty than some of the Independent Senators are having now.

The question of whether the committees as now constituted could work as effectively as we wish them to work is something we need to look at. It did not work under the UNC. In fact, no report came out of those committees, which is why we are today dealing with the first report of the committee. I congratulate the chairperson and Sen. Prof. Deosaran, who I think will present a second report. Notwithstanding the difficulties and the constraints under which they operate, we have been able to move the process forward.

When the PNM took office, we felt we should do two things. One is to have the committees, but it did not seem right that the Government should chair these committees, which are basically looking at the performance of ministries. So we decided on having the committees chaired by Independent Senators. Has it worked? Has it not worked? That is part of what we need to do, at the end of this parliamentary period, in our review of these committees and their workings.

The committees do have Members of the Opposition, Members of the Government and Independent Senators. I think that we also have to look, in their operation, at the relationship of the committees, the partisan nature and the people coming before them who are, by and large, public servants and people from independent agencies, and whether the tone of the questioning is really in keeping with what a committee of Parliament should be doing. In other words, when you go before these committees, should partisanship be left behind and people operate in a truly professional manner? I think that these are things that we need to look at.

It is clear that the committees have a role to play. Everybody accepts that. The question is, given the composition of the Parliament—I agree with Sen. Mark—when you have governments with majorities and a fairly large ministerial team, it does create a problem. What is the solution? A larger Parliament. Perhaps. The PNM getting a bigger majority? Surely. We can do that. Change in the Constitution? We need to look at it. I am sure that many of the points that the Senator raised need to be considered in the ongoing exercise of constitution reform. They rarely touched on whether the system we now have can facilitate such a committee to do what it wants. I am sure that will be part of the discussion that takes place over the next year or two as we deal with this question of constitution reform and the form of governance we want.

These committees, as I indicated, notwithstanding the issues raised about the ability to function effectively given the constraints under which they operate, and there are what I call, problems of behaviour. Thank God the Robin is no longer flying. This will help some of the discussions that take place at these committees.

I do not envy the chairmen of these committees trying to control what takes place, but notwithstanding all that, my discussions with people who appear before a committee or people who feel that there is need for them is that they would like to see some changes in how committees operate.

What we should do, after we get all these reports, is have a really good discussion with chairmen and members, review how it has worked and what will be needed to make them work better. In the short term, it means living with this Constitution and, in the long term, it means reform of the Constitution.

That is all I have to say, Mr. Vice-President. I thank you for the opportunity.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, let me begin by congratulating our two new Senators. Probably, I should not say two new Senators because Sen. Dr. Tim Gopeesingh has been here with us for a long time off and on. Nevertheless, I extend a very warm welcome to him and I hope that he will continue to make the type of contributions he has been making whenever he was here and that he would enjoy more permanence than he has had previously.

Sen. Ato Boldon, you have come like a bolt out of the blue. I am sure many people are happy to see a young face. I hope that the young people looking on are happy that there is a young voice in the Senate to whom they would listen and be encouraged. I know that you are among people who would guide you. Do not feel that you would not need guidance in this place. It is different from the track. I hope you will enjoy it and enjoy the challenge that it brings. God bless!

I also pay tribute to the former Senators, Roy Augustus and Robin Montano. [*Desk thumping*] I want to separate circumstance from personality and to say to them wherever they are: Thanks for having served with us. I am sure we have learned from one another. May God bless you in your future endeavours! Thanks Roy. Thanks Robin.

Now to the Motion. Let me begin by congratulating, not only the chairman of the committee presenting today, Sen. Parvatee Anmolsingh-Mahabir, but also Sen. Mary King and Sen. Prof. Ramesh Deosaran. I know that they have been working together exchanging ideas and buoying each other up. Congratulations and thank you very much.

I know the constraints that they have worked under, and what is remarkable is that every opportunity given for performing more efficiently and effectively on these committees, these three persons have acted on them. They have been asking for exposure. They have been asking for experience. They have asked to be put on training courses out of Trinidad and Tobago. They have been to Canada and to

New Zealand and have come back and assisted members by ensuring that their performance is upgraded. I say to them thanks sincerely.

I also thank the other Members of the committee because without them there will be no committees. There has been no quorum at times and I have heard the frustrations and the complaints. I congratulate those Members who have been attending.

Sen. Mark and Sen. The Hon. Dr. Lenny Saith have said some things about the value of these committees. My first experience in listening to a joint select committee interacting with a board, with the public in attendance, was on the first of this month when Sen. King's committee had a meeting in Tobago with the Tobago Regional Health Authority. What an education that was, not only for me, but also for people who attended. I invited people and they came out. You were there, Mr. Vice-President. I do not want you to nod or anything because it may give the impression that you were part of the committee.

I want to say how much the people of Tobago, speaking to me afterward, talked about the education, the experience and the information that they got from the process used by the Members of the committee. In fact, some members quarrelled with me, as if I were responsible for the whole thing, asking why I allowed the committee to come for only one day; they should be coming for two days; they were not finished. So Sen. King, Sen. Prof. Deosaran and Sen. Anmolsingh-Mahabir, probably this is something that you need to look at.

3.15 p.m.

This morning, in travelling, one person who could not be there promised to give me a report and comments at a particular time. I want to say how much I learnt. The people who spoke with me afterwards talked about how much they learnt.

Mr. Vice-President, the joint select committees are valuable, not only to the Government, but also to the people of the republic. I say this because, from my experience, their meetings, interaction, discussion, exchange of information and ideas allow for people's participation. They make people participate, even if they do not get up and talk. They can present their findings and questions. The questions are normally answered and the people feel a part of the process of governance. It allows for people participation in the oversight of the Executive. That is what they are there to do; to monitor the operations of the Government and all the government entities. The experience has been an eye-opener for many of these people.

We must bear in mind that the importance of Parliament comes into play. One of the main pillars in the strengthening of our democracy is the people's participation, because the Parliament is there, not only for legislation but, again, for the oversight role it plays. These committees assist in ensuring that the moneys that are allocated in the budget, we spend it properly and the procedures are in keeping with good governance practices. The joint select committees are important and I hope that the Government will realize how much help the members give to the Government by the functioning of these committees.

Mr. Vice-President, I want to talk on the attendance. We have heard about it. The chairman herself outlined how many times they have had to abort meetings because there was no quorum. If we do not make these committees functional, we are going to have this continuing all the time. Members who come, especially from the Independent Bench and the Opposition probably could say: "We are not going because we have no compensation to get. I could get something else other than going and spending two and three hours."

There is reluctance on the part of parliamentarians to talk about benefits for themselves. We seem to be afraid to say that we need more money and more facilities, because people would say that they want everything for themselves. We say in Tobago: "Parson have to christen he own child first." The Members of the committee need to be compensated for the work that they do. You should see the documents that they produce and the documents which come from the ministries, which they have to read. Believe it, I cannot read all of them. The Chairmen and Members of these committees have to read all.

In fact, when they were in Tobago, I travelled with Sen. Carolyn Seepersad-Bachan and she was saying: "We have to have a little meeting before this." They are always reading, analyzing and phrasing their questions. They do very important work and I am making a plea that these Members be compensated. I am not on the committee, but they deserve to be compensated. I hope that this would be done.

I want to talk about help, legal and otherwise, that these committee Members—especially the people who come out all the time—should get, especially the Chairmen of these committees. Thank God, they now have little rooms that they could meet and do their work. Formerly, I do not know where they actually met and did their work. In the other committee rooms there are no telephones and no telephone calls can be made. Now, I am happy about that.

I want to talk about follow-up and monitoring for results. It is no use Sen. P. Anmolsingh-Mahabir bringing the report, presenting it, our debating it and there is no monitoring or follow-up and nothing happens. If this is what is going to happen, then we may as well not have the committees. I am stressing that I hope the Government will follow-up and let us monitor for results and after the debate, we should know if the Government intends to do anything about it. If so, what are they going to do about it?

Mr. Vice-President, let me confess that many Members did not anticipate us doing the Motions today, although we have had them on the Order Paper. We all came prepared to discuss the amendment to the Pharmacy Board Act. Many of us do not have the report, per se with us because we did not realize that we would have had to do this. Some Members probably knew before and I am certain many of us on the Independent Bench did not know that we were going to discuss it. It is a pretty thick document to be walking with every week, hoping that we would debate it. We were notified that we would be dealing with the Pharmacy Board (Amdt.) Bill, we did not come prepared. I hope, if the debate continues and there are more Members who would like to speak on it, we can do it next week, if the Pharmacy Board (Amdt.) Bill is not dealt with. I understand Minister Rahael is not well and one cannot anticipate when one would get better. At least we would know that we can come prepared to continue the debate. I do not think that we can just get up and comment without the report, because of the fact that we want to talk on the debate today.

I appeal to the Leader of Government Business—if he thinks that enough Members have not been prepared to discuss the Motion today—not to feel badly about us stopping when we have had enough good contributions and let us continue the debate at another time, giving more Members more time to prepare for the Motion. Thank you very much, Mr. Vice-President.

Sen. Sadiq Baksh: Mr. Vice-President, I join the debate on the Motion that this House adopts the First Report of the Joint Select Committee of Parliament appointed to enquire into and report on Government Ministries with responsibility areas listed in Part I. Like yourself, I too am a Member of that committee.

I, like other Senators, join in welcoming my two colleagues, Sen. Dr. Tim Gopeesingh and Sen. Ato Boldon to this Bench. I know that their contribution will impact on national development.

I too join in thanking, on behalf of the Members of these Benches and the UNC in general, for the outstanding contribution of former Senators Robin Montano and Roy Augustus. [*Desk thumping*]

The Joint Select Committees of Parliament really started off in a period when it was important that we continue to deepen the democratic process in Trinidad and Tobago. It was envisaged that it would provide the type of oversight necessary to ensure the just, fair and equitable distribution of the resources of Trinidad and Tobago in their respective ministries and the delivery of services to the citizens.

The chairmen, I could speak specifically for the chairman of our committee, made an extraordinary effort to get these committees moving and the Members who attended participated in a manner that really did not try to lay blame on the Government, but in fact, tried to ensure the smooth flow process within the respective ministries, so that citizens could benefit. It will be important, very important, if the Government in its own vision recognizes that the philosophical underpinnings of the JSCs could let them off the hook, if the committees work properly. Because in the present Westminster system, government ministers seem to get blamed for everything, although they are not really responsible for making sure it happens. They get blamed for anything you could think about: if the school was not built; additional potholes in the roads of Trinidad and Tobago, like what we are having now; lack of streetlights; and when there is an environmental project in the Ministry of Agriculture, Land and Marine Resources and the seeds come in to the Ministry but not being planted. All these things are taking place, but when there is an oversight body like the joint select committees, you have public servants now being placed on the spot.

I heard the Leader of Government Business talking about the tone of these enquiries. I believe that we should develop and adopt a similar system like the select committees in the United States, where you really place on the spot, the people responsible for the delivery of services to the citizens. They must be able to answer the hard questions. You cannot afford, in any ministry, to make an allocation annually and have millions of dollars disappear within those ministries and no one to account as to how it was spent, and more importantly what are the services that were delivered to the citizens of Trinidad and Tobago. You must be able to ask the hard questions: "Are we getting value for money? Are we getting the benefits that we expected when we allocated the funds to those ministries?"

There are a number of ministries under scrutiny by the joint select committees and all the Members who attended, especially the committee that I am a part of, made valuable contributions. Government Ministers and Members on the Government side did not really shun the questions that were necessary, especially when it came to the Ministry of Public Utilities and the Environment. They knew that the citizens across the board were suffering.

There was a problem on the Beetham and they were not afraid to put the public servants on the spot to ask them to answer. I would hope that the Government encourages the committee system to really work by providing all the resources, both the financial and human resources, that are necessary to get these committees to function. It is also important that we get more citizens to feel that they now have another opportunity to seek redress—to bring to the attention of the administration, through these committees—for the shortcomings in the delivery of services. I think that is the most fundamental aspect of the committee systems.

I did not plan to go into the specifics of all the reports that came before the committee of which I am a part, but I wish to draw to your attention the importance of having the support staff to review the reports, as compared to the Government's policy and the stated objectives of the national budget. It is tying in the Government's programmes and policies with its physical discipline and delivery of services. It is where all these different aspects of governance come together in a non-partisan manner; where Members of the Opposition, Independent Bench and Government get an opportunity to scrutinize what our plans were, how much resources we place into it and what the results are. It is an opportunity to benchmark where we want to be and to see where we are, as we have come along.

I have also noticed that in a number of ministries, the reports are now tailored to suit what they expect at the joint select committees. I have noticed that it is developing into a public relations exercise by the ministry. When you check the ministries, you find something else occurring. A case in point, when the Ministry of Public Utilities and the Environment came they said that they had a help line. On the day in question, when they came to the committee, I called the line and I did get someone answering on that day. Two weeks later, the line was nonfunctional, because on the day that they were coming to the committee they designed—[*Interruption*]

Hon. Senator: TSTT.

Sen. S. Baksh: It was not TSTT, but if it was, you realize that it is part of the utilities anyhow. After that, I followed it at a two-week interval. On the day in question, TSTT and the help desk worked. Two weeks after, the line was dead. Maybe it was TSTT. I cannot dispute that, with the way it is running at this time. On two subsequent occasions, two weeks apart, over a six-week period, there was no reply. Therefore, it was a con job on the committee, because they expected someone from the committee to possibly call the help line to see if it was

working. I invite anyone here to look at the report from the Ministry of Public Utilities and the Environment and call now and see if they would get an answer. That is why we need to be careful.

We need to have oversight, not only on the day that the committee is sitting, but on a continuous basis, so that they would not be able to perpetrate a con job on the committees, but more importantly, a con job on the population of Trinidad and Tobago. It is in the Government's interest to ensure that these committees work and that we are provided with another opportunity to have oversight on the delivery of goods and services to the population of Trinidad and Tobago.

Mr. Vice-President, thank you very much.

Sen. Dana Seetahal: Thank you very much, Mr. Vice-President. I just propose to make four points. In essence, this is to show the system, as it presently operates; and how the joint select committees functions are not serving the purpose for which the law was intended, in my view. As Dr. Saith said, this is the first time that we have had a joint select committee report. I do not think that there should be as much credit on the part of the Government taken for this.

The law was first passed in November 1999 and it was towards the end of 2001 that the UNC government came out of power effectively. It was during that time up to December 2001, there was an election. There would not have been much time, in any event, to put this law into place. In January—October 2002, there was no sitting of Parliament. It is really then three years and four months the current Government has been in power and we have had functioning joint select committees or committees. This is the first report that is being debated. It is instructive to note that that report is dated 2004.

Having gone into the basic history, as I see it, it is said that certain things could be done to improve the function of the committee. One of those things, as highlighted by Sen. Dr. Saith, was, perhaps the Government getting a larger majority, which I think may have been tongue-in-cheek, but I do not think that would really serve to improve the functioning. Even if they got four more members in the House, it will not change the constitution of the Government in the Senate and it will not prevent the Government from having 34 Ministers, instead of 30. I do not know that that is going to go anywhere.

Moving on straight to the question of how it will work better. This is what Sen. Dr. Saith speaking, I presume on behalf of the Government, said: “We should find a system that will work better,” and in effect, what Sen. Mark was seeking to have from his contribution. What we need to look at, in my view, is the purpose of the law.

The purpose of the law as stated in the new section 66A of the Constitution is to have these joint select committees enquire into and report to Parliament in respect of the government ministries, the statutory authorities, et cetera. Effectively, the Parliament is requiring the joint select committees to report to them on the functioning of all government departments, ministries and agencies. The Parliament, through this legislation, is meant to exercise a supervisory role and oversight role over all government bodies and ministries and this law is giving Parliament, through the committees, that power to enquire. The committees enquire and then report to Parliament. Presumably, we should be able to do something about it.

How does the JSC process function? My understanding of how it functions is that there are all these hundreds of bodies—not only ministries but commissions and state enterprises—required to submit reports. I know for a fact when I get that report, unless I have some time to spare, I am not going to go through that entire report. Then, at some point in time, the joint select committee will call upon one of those bodies to come in. Should it function like that? Can it function like that? Given that any government has a term of office of five years, give or take two or three months, and the joint select committee would be functioning for that time, can any committee as constituted in that five years, do anything, given the current system? I know it is the first time and we may have teething problems, but it is three and one-third years and we have had only one report. It is not for want of trying by the Members.

You have heard of their meetings and trying to constitute a quorum. It is the magnitude of the task. It seems to me that whoever dictated the system, as it operates today, did not think about what it entails or how it should function. It seems to me that it should be looked at again.

The reports could keep coming in because you need them for references and you can check things, but the joint select committee should have the power—whenever something occurs in a ministry, an RHA or a commission; whether it is through the news or they have heard it—to go directly and call on the ministry or department, not appear before them and report. That is how it should be. I am sure that this is not a novel suggestion. They should do it this way, rather than go through reports and have them come. It may have been that they have done it in peculiar situations. I am talking about in the way a joint select committee functions.

You could have a report—not necessarily on the Law Review Commission and how it functions on a day-to-day mundane way, in my view—on specific issues.

If it is said that the head of Caroni (1975) Limited board is engaging in sexual harassment, that issue should be the focus of an enquiry. If it is said that in the Ministry of Health, for instance—During the course of my researches into the amendment for the Pharmacy Board Act, I have heard that a lot of those Cuban doctors have proved ineffective. If that is an issue that has come up, then there should be an enquiry into it. If it is said that the NWRHA, in the last year or two, is using money allocated for income tax to pay staff, that should be a matter for enquiry. In other words, you do not need to investigate the whole department. “Enquire and report” is not saying that you are enquiring into the entire ministry. You should be able to do so if you wanted because there is no power saying that they cannot do it, but there should be something more immediate. You can have a general enquiry. But I would think the whole thing would be more effective, interesting and relevant if whenever there is an issue at hand, we had an enquiry immediately into it, like the joint select committees that report within two or three weeks. You would get some action. In that way, Parliament can have real oversight into how Government agencies function. If it is that right now we are hearing that there is an elite group in the defence force that is going about hiring itself out for kidnapping—I do not know if it is true but these are the things you are hearing on the ground—let there be some enquiry. If top members of the army can come out and say: “Yes, it is just a small group”, they are admitting it. Is that not supposed to be the last of the protective agencies that we can look to? We say that with the police there is corruption for years, but the army! Now you hear about special forces and that they are engaged. I am not commenting on any case, I am talking about what the army officers are saying. This is something that should come under the Ministry of National security, straight before the joint select committee, of course, subject to any court case. We are not dealing with that. These are matters that we could enquire into and report.

Of course, the major thing would be the expending of State funds in ways that are not supposed to happen. Mr. Vice-President, as it stands, the current practice is that most of the ministries, statutory bodies, commissions and enterprises may never appear before any joint select committee; at least in my lifetime. What it means is that there will be no oversight. We are talking about more than \$30 billion which we have. As a citizen, I have a vested right in that money. Everyone else here ought to know what is happening, not necessarily with every cent, but in

general, so that we could be assured that there is investment for the future for our children, grandchildren, grand nieces and grand nephews. We need to know that there is a future and that there is somebody looking at it, so when all the natural gas is done, there is something there on which the country can survive.

We need to know what is happening. We have an interest in how things go. As it stands now, in Parliament, we just hear about decisions afterwards. We have the power to query that, under this legislation, which is a powerful piece of legislation, but it is not being utilized for the simple reason probably that it is new. It is in the interest of any government—I mean no disrespect to this Government—to not have too close an enquiry by Parliament or parliamentary officials into the day-to-day business. It hampers them. For that very reason, Parliament must enforce its oversight and supervisory role.

The last point is the relevance of this report today. I am not criticizing the committee because I recognize the constraints. This is a report that was submitted in 2004. I am informed by the committee personnel—this was May 13, 2004; almost two years—that it took that time to find its way here. The report from the committee that is enquiring, takes two years before it comes before us. If we were to have the enquiry in the way I suggest, we would—by virtue of being media alone and questions being asked about matters—have gotten some kind of oral reports before. But in any event, this is totally unsatisfactory.

Looking at page 9 of the report, we are talking about legislation that would be brought before the Parliament by the Law Commission. We are talking about the Criminal Procedures and Investigations Bill. We know that is already law. We are talking about the Electronic Transaction Bill. This was passed so long ago that some Members might not remember that we passed and voted on that. What about the “Sexual Harassment Bill”? By the way, there is no “Sexual Harassment Bill”. There is the Offences Against the Person (Amdt.) Bill, also called “Sexual Harassment Bill”. It did not deal only with sexual harassment. It dealt with issues like that. The public called it that. The commission calls it that for whatever reason. What about the paper on the Commission of Enquiry Act? It is amazing that four years ago there were all kinds of suggestions about the Elections and Boundaries Commission and who did not appear before the commission when they were called to appear.

I remember one of our Members said that there was this Bill that was drafted, was brought before us and was supposed to be urgent. That is three years and three months ago. I think it was the second month I came here. It is reported on

page 9 that there is a paper. Of course, one knows that it has died a natural death and will never come back again. Those issues would probably have been relevant two years ago, or maybe one year ago, but now the report, as is, is expected to say that the Members are functioning and trying to get the report. It is not really of any value, in terms of an oversight role of Parliament or a supervisory role in that sense, in those particular areas. It might be in a general sense. Maybe in the future, if we do as we are supposed to do—in my view, which is, to call upon parties, groups or departments within the ministries—immediately and ask them to report and account, then we will have some effect. That is my respectful submission.

Sen. Dr. Tim Gopeesingh: Mr. Vice-President, first of all I want to acknowledge and thank Members of this honourable Senate for expressing their sentiments and best wishes to my permanence, temporarily, in the Senate. I thank you for your warm sentiments. Sen. The Hon. Dr. Lenny Saith, I thank you for your sentiment on behalf of the Government. Sen. Dr. Eastlyn Mc Kenzie, also, I thank you very kindly. To my two colleagues, Sen. Wade Mark and Sen. Sadiq Baksh and I am sure my other colleagues. I also would like to extend my congratulations and best wishes to Sen. Ato Boldon on his joining this august House and to wish him well and to indicate to him that even though with my limited experience, I would be of help to him in the future, if he needs it. Of course, Sen. Wade Mark has 15 years experience in the Senate and will be of tremendous help to him.

Mr. Vice-President, I will speak for a short while on this Joint Select Committee Report. In fact, a number of issues were raised by Sen. Mark and Sen. Sadiq Baksh and just a while ago, by Sen. Seetahal. I would not attempt to reiterate any of these comments or remarks made on this approach, except to state that this Joint Select Committee Report is the efforts of hard work put in by a number of Members of Parliament in 25 meetings, moving from November 29—May 25, almost one and one-half years. I think a lot of effort went in towards this report. But what is noteworthy is what this report outlines. Basically, this report is number one, the work done by a team of Members of Parliament to investigate, to analyze, make findings and recommendations on ministries, statutory boards and similar bodies and state enterprises.

There are 12 ministries which come under this joint select committee and I have summarized that there are 54 statutory boards and similar bodies and 35 state enterprises. That is a total of 89 statutory boards and similar bodies and state enterprises under 12 ministries. If it took 18 months to produce a report and the

only thing that the dedicated Members of Parliament were able to provide to this Parliament was a report on the Law Reform Commission, one of the 89, something is fundamentally wrong with this approach. We need to reanalyze.

In keeping with Sen. Seetahal's contribution, you cannot have Members of Parliament sitting for 18 months and produce a report and table it in Parliament, almost one year later, after the 18 months of hard work. It is actually meaningless and non-purposeful in the original way that it was supposed to be. I would like to encore the sentiments of Sen. Seetahal in indicating that this needs to be looked at critically. This is what we mean by the necessity for constitutional change and amendments on a fast basis. This cannot be allowed to continue. There is the work of Members of Parliament, true professionals on both sides of the House. You cannot engage their time when we want to report to the nation on supervising, looking into and analyzing the work of 89 bodies under this joint select committee. It was envisaged in 1999, when the Act was promulgated, that these things should be looked at quickly and reports laid in Parliament, so that the general public would have the confidence in the operations of the ministries, the Ministers and the statutory bodies and authorities.

Unfortunately, over three years and 18 months of work in this committee, we have only one statutory board and similar body being analyzed and with recommendations made. This is only the Office of the Ministry of the Attorney General. There is the Ministry of Community Development, Culture and Gender Affairs with approximately 11 statutory boards and two state enterprises; the Ministry of Education, two statutory boards with one state enterprise; and the Ministry of Public Utilities and the Environment, six statutory boards and five state enterprises. If \$34 billion is spent per year, by various ministries and the State and we are taking 18 months to analyze one of the 89 bodies, we are going nowhere in the country. Where are we to go from that? It is in keeping with the different authorities under the joint select committees enshrined in the Constitution, such as the Public Accounts Committee and the Public Accounts (Enterprises) Committee. Chapter 8, section 119 speaks of that.

When I served as a Senator in 2001, for a nine-month period, before our government was removed, I remember sitting in the PA(E)C and the reports were coming in for 1994 and 1996. The PAC and PA(E)C were rendered inefficient and useless because when reports come in five years after they were supposed to come in, what is the use of the analysis then.

There are joint select committees appointed in accordance with Standing Orders and joint select committees enshrined in the Constitution, such as the PAC and PA(E)C which are rendered meaningless and basically serving no function. Where do we go? What is the recommendation? We cannot sit and fiddle. In one report we have 12 ministries. I am yet to analyze how many ministries are in this other report that was laid, the First Report of the Joint Select Committee appointed to enquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission. In one report we have municipal corporations and service commissions and probably only a bit of work has been done on this. In the other one there are statutory bodies, almost 89 of them, and basically nothing is happening.

From this side of Parliament, we would like to engage the Government once again in meaningful consultations on the need for constitutional reform and an agenda for constitutional change. Our side has begun to move through the country and ask what it is that the people want. Are the people satisfied that out of 89 statutory bodies and state enterprises we only oversee one in 18 months and report on it almost one year later? I am sure the citizens of Trinidad and Tobago would not feel comfortable with that issue. Therefore, instead of lip service being made on the issue of constitutional reform and change, I think we should move aggressively and bring some meaningful change into this type of work that is being done and rendered meaningless and non-purposeful.

When it comes to accounting for the \$34 billion and accounting for \$100 billion spent in three and one-half years, we are not going anywhere. This is why citizens of Trinidad and Tobago have lost faith in Parliament, parliamentarians and politicians. We do not seem to be able to grapple with the real fundamental issues and we have not come together to effect some meaningful change in societal management. We spent \$100 billion in three and one-half years and analyze one state enterprise and report another. There is another report, after almost four years. The PAC and the PA(E)C are just as handicapped in their efforts at work.

Mr. Vice-President, Sen. Parvatee Anmolsingh-Mahabir ought to be sincerely congratulated with her colleagues. I see my colleague, Sen. Sadiq Baksh, attended 25 of the 25 meetings. He ought to be sincerely congratulated as well. That is the dedication of people who really want to see change and are interested in serving at a national level.

Sen. Mark alluded and made statements on the necessity of having some assistance from the State, in making sure that these committees can work efficiently and effectively. Why can we not, out of these 89 statutory bodies and state enterprises, employ a secretariat for each one of the 89 bodies, from Parliament, find the staff for each one of the state enterprises, make sure that all the paper and relevant documents are submitted on a timely basis to each one of the 89 authorities and create a home where these 89 independent authorities' officers would be revising the work that would be in particular buildings. These committees can then look at what is going on in the 89 enterprises and determine which one is of critical importance and which is urgent, as Sen. Seetahal indicated.

We have all done management and it is not a difficult thing to effect good management strategies in bringing about an effective solution to this lackluster and lackadaisical approach to the efficient management of state funds by various bodies in Trinidad and Tobago. This would be reported on shortly. It would be discussed. I do not want to make any comments on it because it is filled with information telling us why the Ministry of Education has failed for years. We would not go into this.

Mr. Vice-President, would we be finishing at 4.00 p.m.? I thought I saw you pointing at the clock.

This report is a fantastic report, Minister of Education, and I am sure that you have read it from cover to cover, but the time would be taken for us to discuss this. There are serious implications for the Ministry of Education and why education has failed in this country. They ought to be congratulated when we analyze this.

The point I was making before my thoughts digressed on this other report was the fact that 89 of these statutory bodies and state enterprises could be dealt with efficiently and effectively. There should be a secretariat for each one of the 89 areas. The work that they are doing can come in on a regular basis and you can employ special consultants to work in these. In that way, Parliament will be able to get the meaningful information that is necessary to effect change in these areas.

I want to make a few comments on the Law Reform Commission, with respect to the work that the committee did. I saw the hon. Attorney General responded in his communication on March 15, 2005. He must be commended for responding in the time that he did. The Law Reform Commission plays a major important role in determining the behaviour of citizens of Trinidad and Tobago, in terms of the

laws that we set down in Parliament. At the moment the Law Reform Commission is under the ambit of the Ministry of the Attorney General. The Chairman of the Law Reform Commission said that the commission should be an independent body, separate and apart from that Ministry.

Before 1990, the Law Reform Commission was working independently from the Office of the Attorney General and it seems as though the LRC is dissatisfied that they do not have the independence with which to work and they do not have the funding with which they can determine their own work over a period of time. They have to depend on the votes from the Attorney General's Department. Nothing is wrong, in principle, with the Attorney General having the responsibility for the LRC. Just like the Judicial and Legal Service Commission, the Judiciary has been asking for their own votes to run their own business. The LRC is asking for its allocation of funds to run its own business.

Sen. King is very correct, Parliament needs its own funding, so that it could run its own business. If there is a sufficient vote in Parliament, and a sufficient amount put aside for these joint select committees—the PAC and PA(E)C, the two other joint select committees under the Constitution—moneys could be allocated to each one of these and the secretariat could work as a distinct organization, but we are fiddling. I do not need to elaborate, reiterate and go over the same points again.

If the Law Reform Commission, which is supposed to be the commission that is preparing laws for Parliament for us to discuss, is handicapped, what is going to come before Parliament? Parliament would be getting laws that are deficient and can be struck down by the Judiciary because they do not have the facilities, trained staff, and finance to hire consultants to make this a very efficient commission. The commissions have to hire attorneys who are in private practice as well. If there are attorneys in private enterprise and private practice working hard during the day and coming to meetings in the evenings to make laws for Trinidad and Tobago, there would be weaknesses in the system. Therefore, tremendous weaknesses will come reflected in the Bills that are coming before Parliament. As evidence of this, as Sen. Seetahal mentioned, a number of Bills are still outstanding. They said that legislation is still to come before the commission. They have listed A to K. This means that a lot of legislation is still to be enacted such as the Prevention of Corruption Act, the Criminal Procedures and Investigation Bill and a paper on the Commission of Enquiry Act. All these have to be done and they are hamstrung from getting the facilities and resources, both human and financial, to do the work which is required. If the Law Reform

Commission cannot do the work which is required, then our country will be at a standstill because the Bills will not be coming readily to Parliament, so that the law could be enacted as quickly as possible.

I hope the hon. Attorney General took note of the recommendations from the Law Reform Commission and not only respond in writing as is required under the law; to respond within 90 days, which he did, but to ensure that we implement what was recommended. It is easy for us to make recommendations in Parliament. It is easy for the committee to make recommendations, but what is critically important is implementation. This is where the present Government and administration has failed this country. They might have ideas, but implementation is their bugbear and weakness. It seems that they do not have the human capacity for implementation of anything that is worthwhile. All the institutions are crumbling in this country. Health and education are two foundation pillars and the cornerstone of any civilized society. If health and education are falling because of the lack of capacity for implementation, something is wrong.

Here it is we have approximately seven major recommendations made. I would like to see that the Attorney General comes subsequently and indicates at some time, pretty shortly, that the recommendations of this committee have been taken into consideration and have been implemented. This is what these committees are supposed to do; make the recommendations. The various ministries, statutory authorities and state enterprises have to be cognizant of the recommendations and then implement and act upon them. This is what good management is about. If I do surgery every day and somebody tells me that I have to do this and I cannot learn to do it and I still try to do surgery on patients and cannot do the surgery, I am killing patients. It is the same thing, the amalgam situation at a national level, if recommendations are made for something to be done and we do not do it, we are continuing to fail this country. This is just one out of 89 enterprises that recommendations are made after three years of work. We want to see what would be done in the future.

Mr. Vice-President, in closing, I would like to sincerely advise and recommend for consideration—of course, it would be recorded in the *Hansard*—that the Government seriously considers the whole question of constitutional reform and, particularly, a law now to facilitate and allow these joint select committees to work more efficiently. In that vein, I would like to recommend that first of all, a separate vote is made for Parliament and a subvote for the JSCs and statutory authorities and a large percentage of funds be given to these authorities, because these are the overall bodies looking after the work of these ministries. If

you do not give the finance at that level, and you have the money at the bottom level, we cannot see how the money is spent at the bottom level and nobody is accountable, where are we going? The money must be given to those joint select committees and statutory authorities so that they can form their secretariats. Let each one of the 89 bodies have their own secretariat with their own financial and human resources to oversee what is happening in the 89 corporations and statutory authorities. I believe that is something that will not be difficult to consider, because the State seems to have a lot of money. They can come to Parliament with a piece of legislation that would give meaning to that and then we will be able to see the fruits of the labour of what these committees are doing.

Mr. Vice-President, I thank you very much.

Sen. Mary King: Mr. Vice-President, may I also extend congratulations to the new Senators, Dr. Tim Gopeesingh and Ato J. Boldon. Also, I think we have to give appreciation to the two Senators who have left us and who made fantastic contributions in the debates in this Senate, Sen. Robin Montano; when it came to legal issues, he was just tremendous and Sen. Roy Augustus. I think they both have to be commended for the work that they did whilst they were Members of the Senate.

The debate has extended into a discussion on the joint select committees. I think I would like to add a few points which are important and which have not already been mentioned. The joint select committees are oversight committees. They are oversight of the Executive and oversight of the Government Ministries, entities and the independent commissions, which fall under the Constitution, as well as the statutory authorities. The joint select committees have got to ask questions. That is how they get information.

4.15 p.m.

Mr. Vice-President, one team coming before us has actually dared to ask if they could please have the list of questions in advance. Now, this would indeed make us probably a little more than a debating society and we are certainly not in that league at all. We are an oversight committee and we have to ask the hard questions.

The committees were established as oversight instruments to ensure that our budgets are properly spent and procedures are in keeping with what is expected in today's world. Governments and their institutions can no longer hide their actions from the people who put them in office. We must demand transparency and we

must demand accountability. If we were to give them the questions upfront, we would give them plenty of time to fix up their business, and we would become totally irrelevant.

One chairman has actually complained to us and said that we asked them questions that they could not have answered, and the press being present, reported on the matter and they were embarrassed. It really made me laugh.

With respect to the time frame that has been discussed at length here today, the committee started its work probably more than two and a half years ago, and the first report is now being laid in Parliament. I think we have to look at what the process is. The report which the committee prepares after it has held its questioning, meetings, deliberated on matters and done its analysis must first go to the Minister concerned. The Minister has 60 days within which he or she can respond or will respond to that report. Now, what if the Minister decides not to respond within the 60 days? The committee has little recourse but to wait. Perhaps, we should ensure that when we are looking at constitutional reform that we build into the procedures pertaining to these joint select committees, that if the Minister does not respond within the 60 days then we shall immediately present the report to Parliament for debate, or as was mentioned, perhaps there should be some kind of sanction for the Ministry for not responding. I cannot really imagine what kind of sanction that might be on the Ministers of today.

So, Mr. Vice-President, on the actual report before us today, we are looking at the Law Reform Commission. We also know that we have a Law Review Commission. I think that one of the questions that could be asked is: Why do we need these two entities? One of the entities' work is a little different but, in many cases, there is complementarity in their work and there is an overlap of their workload. Perhaps, we should be looking at merging these two entities. It would certainly bring about greater efficiency which is one of the things we hope the joint select committees would end up doing when the reports are laid and recommendations are made. Some of the recommendations or maybe all of the recommendations would be adopted and, therefore, we should be able to bring about more efficiencies. Just the simple exercise of merging those two entities—why do they need two separate entities, two sets of officers, two libraries and two sets of staff? It just does not seem to make too much economic sense.

Another issue that I would like to support is that these committees should have greater support staff. What we have now is a common secretary to the committee and one research assistant to each committee. This is not sufficient because we have lots of reading to do; lots of analyses to do and lots of

preparatory work to do before we could actually hold a public meeting. I think, in this area, we could speed up the work of the committees if we had more support staff to do the preliminary analysis. We need to have a separate budget for committees and this must be managed by the committees. This is not outwith the responsibilities of the committees as the Constitution clearly states that committees would regulate their own procedures. This is written into section 66(4) of the Constitution.

Just to mention, Sen. The Hon. Dr. Saith, in his own contribution, stated that the Government would be reviewing the workings of these committees. I think if this review has to take place, it would obviously have to take place with some discussion with the current Members of the committees. You cannot review a committee by watching it on television or by listening to people who go to you with perhaps a complaint that maybe they did not get the questions upfront and they did not know the answers. I think that review would have to take place with some semblance of discussion and not on hearsay.

Sen. Dr. Saith: Perhaps the Senator misunderstood me. I did not say the Government was going to review the committees. I said perhaps we need to have a review with the committees and the workings to see whether we can improve them. It is not intended that the Government would arbitrarily review. You cannot review something if you do not involve the people who are part of it.

Sen. M. King: Well, then I could just suggest that when you are reviewing, if it does happen, that we would have discussions—two-way street—so that we would have all the information before we make decisions.

Mr. Vice-President, I certainly agree that the time has come, if not overdue, for the discussion to take place on constitutional reform. Whether this will include putting a constraint on numbers on what the Cabinet ought to be or otherwise, if we do not have such a discussion and if we do not have some kind of constraint on the numbers within the Cabinet, then we can always end up with no back-benchers and nobody from the Lower House to attend meetings, and, this is happening. I say the Lower House, but I am talking about both sides of the Lower House. Yesterday, we needed one Member to make a quorum and we could not get a Member from the Lower House.

So, there can also be sanctions placed on Members for not attending joint select committees. In some countries, as a matter of fact, if a member is aware that he or she cannot attend a meeting, the member informs his parliamentary leader in the House and the parliamentary leader is mandated to send an alternative member so that the public meeting can go on. There is no stymieing of

the joint select committees. That is a suggestion that perhaps we could take on board.

Mr. Vice-President, we could also have some arrangement whereby if a Member does not attend—well that is one day in the calendar, one-thirtieth of the month—we can deduct his salary accordingly. He should have been present at a joint select committee since that is his or her responsibility.

So, we do look forward to the debate on constitutional reform. I think we need it very soon. Given that we are discussing joint select committees, I would like to suggest that when we do have this debate and the changes to the Constitution that we bring the Judicial and Legal Service Commission under the oversight of a parliamentary committee. It is very obvious with what is happening in today's Trinidad and Tobago that the Judiciary also needs some oversight.

Mr. Vice-President, I thank you very much.

Mr. Vice-President: Hon. Senators, it is now 4.25 p.m. so I would take the tea break now and Sen. Anmolsingh-Mahabir would wind up as soon as we get back. The Senate is suspended for tea.

4.25 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Parvatee Anmolsingh-Mahabir: Mr. Vice-President, thank you. First of all, I would like to thank all Senators for their sterling contributions on this Motion. In particular, I would like to highlight the contribution made by Sen. Wade Mark with regard to the strengthening of the secretariat to improve and expedite the work of the committee, as well as his recommendation for the appropriate remuneration recommended by the Salaries Review Commission.

I also welcome the recommendations by the Minister of Public Administration and Information and Minister of Energy and Energy Industries, Sen. The Hon. Dr. Lenny Saith.

I would also like to thank Independent Senator Dr. Eastlyn Mc Kenzie for her kind words and continuous support and the need for the Parliament to monitor the implementation of the recommendations made.

Mr. Vice-President, Sen. Sadiq Baksh talked about the deepening of the democratic process through accountability and that citizens now have another avenue to air their views with regard to the delivery of goods and services. The joint select committee welcomes written submission from the public. Sen. Sadiq Baksh, I thank you.

Sen. Dana Seetahal alluded to the magnitude of the task which faces the joint select committee. The committee welcomes her recommendation to deal with urgent issues arising from the relevant ministries rather than examining the whole body of the ministry.

Sen. Dr. Tim Gopeesingh talked about good management practices and I thank him for his suggestions.

Sen. Mary King talked about transparency and accountability and the need for the joint select committee to ask hard questions, because the joint select committee is an oversight body. She also talked about the need for constitutional reform and sanctions, if possible, with regard to tardy responses.

In all fairness, I must point out that the joint select committee, Part I made every effort to have this report adopted as early as possible, but the tardy response by the Minister responsible contributed to the delay. It took almost six months to get a response from the relevant Minister. I remember having to consult with the Leader of Government Business on two occasions to ensure compliance and then, of course, the report had to wait its turn on the Order Paper.

In conclusion, from the comments we have heard from all sides of the House, the joint select committee, I believe, has a very bright future in promoting democracy in Trinidad and Tobago. [*Desk thumping*]

Mr. Vice-President, with these few words, I beg to move. [*Desk thumping*]

Question put and agreed to.

Report adopted.

ADJOURNMENT

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, February 21, 2006 at 1.30 p.m. at which time we will debate the Pharmacy Board (Amdt.) Bill.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.05 p.m.

Written Answer to Question

Tuesday, February 14, 2006

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Wade Mark:

**Special Purpose State Enterprises
(Details of)**

23. (1) Could the hon. Prime Minister and Minister of Finance inform the Senate whether the recently created fifteen (15) special purpose State Enterprises are limited liability companies incorporated under the Companies Act and as such constitute private entities carrying out what might otherwise be regarded as governmental functions?
- (2) Could the Minister provide a detailed breakdown of expenditure for each of the special purpose entities since they have been established?
- (3) Could the Minister provide a detailed listing of the directors, qualifications, remuneration as well as other terms and conditions of employment of each of the fifteen (15) special purpose State Enterprises? and
- (4) Could the Minister state whether these companies would be subject to financial scrutiny and probity of the Auditor General of Trinidad and Tobago?

The following reply was circulated to Members of the Senate:

The Prime Minister and Minister of Finance (Hon. Patrick Manning):

The overall policy objective of Government is to create an environment where citizens can enjoy an enhanced standard of living comparable to first world standards by 2020. Accordingly, the Public Sector Investment Programme (PSIP)/Infrastructure Development Fund (IDF) has been devised as a source of funding to implement projects designed to achieve these goals. However, the Government in recognition of the fact that Ministries lacked the institutional capacity to deliver Government's various infrastructural development projects under the PSIP has established six (6) Special Purpose State Enterprises to assist in the implementation of these projects.

Name of Company	Date of Establishment as Limited Liability Company under the Companies Act
Community Improvement Services Limited	September 05, 2002
The Sports Company of Trinidad and Tobago Limited	September 27, 2004
National Infrastructure Development Company Limited	January 11, 2005
Education Facilities Company Limited	March 11, 2005
Rural Development Company of Trinidad and Tobago Limited	May 02, 2005
East Port of Spain Development Company Limited	September 28, 2005

These six (6) companies are wholly owned by Government and have all been created as limited liability companies under the Companies Act, to carry out various policy decisions of Government. The Companies and their dates of establishment are as follows:-

Written Answer to Question

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A breakdown of the expenditure of the six (6) Special Purpose State Enterprises as at September 30, 2005 is as follows:-

Name of Company		Expenditure \$	Purpose
Community Improvement Services Limited	Oct. 2004 to Sept. 2005	1,250,000 12,000,000 186,211	Start-up Projects Recurrent Expenditure
The Sports Company of Trinidad and Tobago Limited	January 2005 to September 2005	169,664 5,975,454 2,115,673	Start-up Projects Recurrent Expenditure
National Infrastructure Development Company Limited	March 2005 to September 2005	320,000 415,631	Start-up Recurrent Expenditure
Education Facilities Company Limited	April 2005 to September 2005	783,676 790,482	Start-up Recurrent Expenditure

Name of Company		Expenditure \$	Purpose
Rural Development Company of Trinidad and Tobago Limited	July 2005 to	49,134	Start-up
	September 2005	38,216	Recurrent Expenditure
East Port of Spain Development Company Limited	September 2005	NIL	

Parliament is asked to note that 'start-up' refers to costs in relation to the expenses at the starting of a new business operation or project and includes rent, purchase of furniture and equipment, construction of building, refurbishment of offices, purchase of computer equipment, etc. and would therefore vary from company to company based on the particular circumstances and requirements of each company.

The remuneration for Board of Directors of State Enterprises is classified into three (3) categories A, B and C. The Table shows the classification of the Special Purpose State Enterprises in Groups A or B and the Fees paid to the Directors of each Company:

Group A	Monthly Fees	Monthly Travelling
National Infrastructure Development Company Limited	Chairman - \$7,000.00	\$800.00

Education Facilities Company Limited	Deputy Chairman - \$3,000.00 Member - \$2,000.00	\$500.00 \$400.00
Group B	Monthly Fees	Monthly Travelling
Community Improvement Services Limited	Chairman - \$5,000.00	\$800.00
The Sports Company of Trinidad and Tobago Company Limited	Deputy Chairman - \$2,000.00	\$500.00
Rural Development Company of Trinidad and Tobago Limited	Member - \$1,500.00	\$400.00
East Port of Spain Development Company Limited		

The qualifications of each of the Directors of the six (6) Special Purpose State Enterprises are listed at Appendices A to F.

These six (6) Special Purpose Companies would be subject to financial scrutiny in accordance with sections 116(3) and 119(8) of the Republican Constitution of Trinidad and Tobago.

APPENDIX A

Board of Directors Special Purpose State Enterprises**Community Improvement Services Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Mr. Malcolm Jones	Chairman	Chemical Engineering	MSc Chemical Engineering BSc Chemical Engineering
Mr. Asgar Ali	Director	Managing Director	Full Primary School Education 1933 to 1938
Mr. Neal Baptiste	Director	Petroleum Engineer	MSc Degree in Petroleum Engineering BSc Degree in Mechanical Engineering CXC O' levels, GCE A' levels Certificates
Mr. Everard Bennett	Director	Engineering Technologist	Executive Masters in Business Administration Bachelor of Science in Mechanical Engineering (BSME)
Mr. Kenrick Burgess	Director	Consultant	MBA in General Management
Ms. Pearl Charles	Director	Principal	Certificate Events Management Certificate in Educational Management Teachers Diploma
Mr. Ibn De Leon	Director	Chief Executive Officer	Certified Protection Officer (C.P.O) Personal Protection Specialist (P.P.S)

APPENDIX A

Board of Directors Special Purpose State Enterprises
Community Improvement Services Limited

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Ms. Chinfu Haynes	Director	Business Consultant	Certificate in Education
Ms. Mary Ramcharitar	Director	Barrister/Attorney at Law	Council of Legal Education Certificate 1993 Bar Final for England and Wales LLB Lower Second Class Honours
Mr. Dennis Sumadh	Director	Engineering/Part Time Lecturer	Bachelor of Science Degree- Metallurgy Certificate Liquid Penetrant Testing Level II Past Certified Associate Welding Inspector
Mr. Nigel Williams	Director	Manager Business Development	Certificate Occupational Safety and Health

APPENDIX B**The Sports Company of Trinidad and Tobago Limited**

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Mr. Gerard Ferreira	Chairman	Businessman	GCE O' levels
Mr. Ashwin Creed	Director	Deputy Permanent Secretary	BA - Public Relations & Communications Diploma - Project Analysis
Mr. Franklyn Dolly	Director	Social Worker/Counselling Consultant	Masters in Social Work Masters in Public Administration BSc - Social Sciences
Mr. Sedley Joseph	Director	Business Management/ (Football Management)	Diploma - Effective English & Personal Efficiency
Mr. Larry Lequay	Director	Business Management	Bachelor of Arts Degree - Economics Executive Management
Mr. Colin Murray	Director	Public Relations/Marketing Officer	Certificate of Education – Major - Physical Education and Commerce

APPENDIX C

National Infrastructure Development Company Limited

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Mr. David Brash	Chairman	Managing Director	Bachelor Degree: Major in Management, Minor in Finance
Mr. Basil Aleong Jr.	Chairman-Deputy	Business Management	GCE A'levels
Mr. Chiang Keith Awong	Director	Chemical Engineering/ Retired	BSc - Chemical Engineering Mechanical Engineering Technician's Diploma Ordinary Certificate- Mechanical Engineering
Ms. Merlin Boyce	Director	Attorney at Law	Legal Education Certificate; Master of Laws Bachelor of Laws GCE O'levels; GCE A'levels
Ms. Monica Clement	Director	Economist	BA - Economics and Spanish Diploma - International Relations Certified Chartered Accountants
Mr. Gregory David	Director	Electrical Engineer	BSc Engineering
Mr. Garnet Hanson	Director	Petroleum Technologist	Certified Safety Manager/Trainer Safety Planning Specialist Safety Training Specialist

APPENDIX D

Education Facilities Company Limited

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Mr. Louis Andre Monteil	Chairman	Financial Executive	Fellow, Association of Chartered Certified Accountants
Mr. Andrew Jupiter	Chairman-Deputy	Petroleum Engineering	BSc-Mathematics, Chemistry & Physics Masters-Engineering in Mineral Engineering Management Diploma in Petroleum Engineering
Mrs. Cheryl Charles	Director	Attorney at Law	LLB
Mr. Franklin Daharu	Director	Civil Engineering	MBA BSc. Mechanical Engineering
Mr. Joel Harding	Director	Engineer	BSc. Engineering
Mr. Geoffrey Herrera	Director	Architecture	Bachelor of Architecture Space Utilization and Function Planning Project Management
Mr. Joseph Ross	Director	Auditor	BSc Management Studies Certified Internal Auditor; Diploma in Environmental Management Certificate in Auditing Quality Management Systems & International Safety Management Systems Audit
Mr. Lennox Sirjuesingh	Director	Teacher	Diploma in Education

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APPENDIX D

Education Facilities Company Limited

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Ms. Valerie Taylor	Director	Retired Secondary School Principal	MA – History BA – History & Government Diploma in Education
Mr. Ronald Thom	Director	Technical Director	BSC - Civil Engineering Diploma - Construction Engineering & Management

APPENDIX E

Rural Development Company of Trinidad and Tobago Limited

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Mr. Prakash Saith	Chairman	Civil Engineering	MSc. Construction Engineering and Management BSc. Civil Engineering (Honours)
Mr. Denis Singh	Deputy Chairman	Electrical Engineering/Energy Consultant	Master of Arts Diploma - Management Studies Short courses - Engineering, Finance and Administration
Mr. Roger Gopaul	Director	Business Administration/ Lecturer	ACCA MBA - Finance Diploma - Management
Ms. Renee Johncilla	Director	Attorney at Law	LLB
Mr. John Jones	Director	Project Management	BSc. Civil Engineering Diploma - Management
Mr. Henckle Lall	Director	Economist/Branch Manager	Bachelor's Degree - Economics & Administration MBA-Administration

APPENDIX F

East Port of Spain Development Company Limited

<u>NAME OF DIRECTORS</u>	<u>STATUS</u>	<u>PROFESSION/OCCUPATION</u>	<u>QUALIFICATION</u>
Mr. Anthony Fifi	Chairman	Managing Director/CEO	MA - Geography & Urban Studies Post Graduate studies in Planning & Housing
Ms. Ingrid Lashley	Member	Banker/CEO	Certified Management Accountant (CMA) Master of Business Administration (MBA) Accounting and Finance Bachelor of Commerce (B Comm) Accounting and Finance
Mr. Hayden Ameerali	Member	Land Surveyor	BSc Land Surveying
Ms. Folade Mutota	Member	Social Development Consultant	Diploma - Public Relations Diploma - Gender and Development
Major General Ralph Brown	Member	Security Consultant	Military Education: Incident Management: US Counter Terrorism Training Group Land Forces Staff College: Canadian Armed Forces Combat Team Commanders Course: Canadian Armed Forces Tactics Course; Signals Course; Platoon Weapons Course United Kingdom Armed Forces
Mr. Noel Garcia	Member	Chief Executive Officer	Masters of Business Administration B.Sc. Economics (Hons)