

Leave of Absence

Tuesday, November 28, 2006

SENATE

Tuesday, November 28, 2006

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. Mustapha Abdul-Hamid, who is out of the country.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C. C.M.T., Ph.D:

“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: MS. ROSE JANNEIRE

WHEREAS Senator Mustapha Abdul-Hamid is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROSE JANNEIRE, to be temporarily a member of the Senate, with effect from 28th November, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Mustapha Abdul-Hamid.

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 24th day of November, 2006.”

Oath of Allegiance

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OATH OF ALLEGIANCE

Senator Rose Janneire took and subscribed the Oath of Allegiance as required by law.

HOME MORTGAGE BANK (AMDT.) BILL

Bill to amend the Home Mortgage Bank Act, Chap. 79:08 brought from the House of Representatives [*The Minister in the Ministry of Finance*]; read the first time.

PAPER LAID

The annual audited financial statements of the Export/Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2005. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL
JOINT SELECT COMMITTEE**

Madam President: Hon. Senators, I have received the following correspondence from the Speaker of the House of Representatives:

“November 24, 2006

Sen. The Hon. Dr. Linda Baboolal
President of the Senate
Office of the Parliament
The Red House
Abercromby Street
PORT OF SPAIN

Dear Madam President,

Joint Select Committee established to consider and report on
The Motor Vehicles and Road Traffic (Amdt.) Bill, 2006

I refer to previous correspondence related to the subject at caption, ending with your letter to me dated November 15, 2006.

At a sitting of the House of Representatives held on Friday, November 17, 2006, the following resolution was approved:

‘Be it resolved that the following five (5) Members be appointed to serve with an equal number from the Senate on the Joint Select Committee established to consider and report on a Bill entitled “The Motor Vehicles and Road Traffic (Amdt.) Bill, 2006”:

Joint Select Committee

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Mr. Colm Imbert
 Mr. Fitzgerald Hinds
 Ms. Penelope Beckles
 Dr. Adesh Nanan
 Ms. Gillian Lucky

This information is forwarded for the attention of the Senate.

Yours sincerely,
 Honourable Barendra Sinanan, MP
 Speaker of the House”

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President and hon. Senators, I wish to inform the Senate that a Motion to give effect to the matter referred to in the correspondence to the Hon. President, will be dealt with later in the proceedings under item No. 14 on the Order Paper.

**PUBLIC ACCOUNTS COMMITTEE REPORT
 (Presentation)**

Sen. Basharat Ali: Madam President, I have the honour to lay on the Table the Third Report of the Public Accounts Committee for the Third Session (2004—2005) of the Eighth Parliament.

**ORAL ANSWERS TO QUESTIONS
 Alumina Smelter Plants
 (Memoranda of Understanding)**

2. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

- (a) Could the hon. Minister provide the Senate with copies of the Memoranda of Understanding and/or Agreements entered into between the Government of Trinidad and Tobago and ALCOA, and the GORTT and ALUTRIN, regarding the establishment in Trinidad and Tobago of alumina smelter plants; and
- (b) Could the Minister also state the exact price that the Government intends to charge the companies for the use of the country’s natural gas?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, as I indicated on the last occasion, I was seeking legal advice on this matter. I have since had that advice and today I signed off on the answer for it to be taken to Cabinet. As you know, there is a procedure involved and I am asking for a deferral of two weeks.

Sen. Mark: As a former Cabinet Minister I am aware of the procedures and I would like to, with your leave, ask my friend if—given the length of time, we are prepared to allow him one week having regard to the fact that this matter has been outstanding for the last four months.

Madam President: Senator, the Minister has asked for two weeks and as you said, I think you understand what happens. I think you should be generous and allow him the two weeks.

Sen. Mark: We have had enough disrespect from that side. We are prepared to give Sen. Dr. Saith one more week, not two weeks. We have had enough.

Sen. The Hon. Dr. L. Saith: Madam President, I have indicated to the Senate where the situation is and I am requesting from the Senate.

Madam President: Hon. Senators, do you agree with me that we give Sen. The Hon. Dr. Saith two weeks?

Sen. Mark: Are you putting that to the Senate?

Madam President: I just asked the opinion. I really do not think that I need to put it to the Senate.

Sen. Mark: You are practising a precedent. [*Interruption and crosstalk*] I do not want to engage. This is becoming a joke. This is a serious Parliament. We are saying put it to the Senate.

Madam President: Sen. Mark, do not raise your voice, please. Sit down! I am going to put it to the vote, for peace.

Sen. The Hon. Dr. L. Saith: Madam President, with all due respect, I think we are setting a dangerous precedent here. There is nothing—[*Interruption and crosstalk*] Please! Madam President, could I make my point?

Madam President: Please, can I have some silence?

Sen. The Hon. Dr. L. Saith: The Standing Orders do not permit a vote on a matter like this.

Madam President: I agree.

Sen. The Hon. Dr. L. Saith: We are setting a dangerous precedent. The Senator has made his point. He has been seen on national television. Let us proceed.

Madam President: I am very, very fed up of what happens every time question time comes. It becomes a big debate. I honestly feel—*[Interruption]*

Sen. Mark: Yes.

Madam President: Senator, give me a chance to speak, please. Will you? I feel if a Minister comes and he has a good excuse to ask for a deferral, I think it is only courteous, without my having to put this question to the vote, that the person who is asking the question allows the time. When the arguments begin, then to prevent further argument, I decide to put it to the vote. As has been said, there is nothing in the Standing Orders that says that it has to be done.

Sen. Mark: Madam President, may I?

Madam President: Yes, certainly.

Sen. Mark: I would like you to look at Standing Order 85(1) and invoke it. *[Interruption and crosstalk]* You want to use the Standing Orders. The President has the power.

Madam President: Exactly. Therefore, if I say that it stands, that the Minister brings it in two weeks, then he brings it in two weeks.

Sen. Mark: May I ask one question?

Madam President: One question before we move on.

Sen. Mark: If in two weeks Sen. Dr. Lenny Saith does not bring the answer, what would be your response?

Madam President: When that times comes, we will deal with it. With the permission of the Senate, we give Sen. The Hon. Dr. Saith two weeks. Thank you very much. Let us move on.

Sen. Mark: Not with the support of the Opposition.

Madam President: Fair enough.

Sen. Mark: Can I go on to my next question?

Madam President: Yes, please.

Question, by leave, deferred.

**Desalination Company of Trinidad and Tobago
(Termination of Contract)**

3. **Sen. Wade Mark** asked the hon. Minister of Public Utilities and the Environment:

Could the Minister state:

- (a) whether the Government of the Republic of Trinidad and Tobago has terminated the contract entered into between itself and the Desalination Company of Trinidad and Tobago (DESALCOTT);
- (b) the date such termination was effected;
- (c) the precise reasons for the termination; and
- (d) the effects of the termination of the contract with “DESALCOTT” on the ability of the Water and Sewerage Authority (WASA) to fulfil its mandate?

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, the answer to this question is not yet ready and I am asking, on behalf of the Minister, for it to be deferred for one week.

Sen. Mark: Madam President, Sen. The Hon. Dr. Saith is disrespecting this Senate every week.

Madam President: Senator, do not give a speech, please.

Sen. Mark: I need to defend a situation which is getting out of control. You were told last week and we were told last week—[*Interruption*]

Madam President: We were asked.

Sen. Mark: May I?

Madam President: Yes, go ahead.

Sen. Mark: When this question was posed, Sen. The Hon. Dr. Saith got up and said that Hon. P. Beckles was out of the country. She is back, alive and well. Sen. The Hon. Dr. Saith told me earlier that he cannot find her. She is in Chatham. How can you be disrespecting the Senate repeatedly every Tuesday? A Minister is in the country. She knows that she has to answer a question but she finds herself in Chatham and there is no one here to answer the question.

Madam President: All right, I understand.

Sen. The Hon. Dr. L. Saith: Madam President, I take objection to two statements: one is that I come here and mislead and disrespect the Senate. The information I gave last week was correct, the Minister was out of the country. I am told that the answer to the question is not yet ready and I have said that to the Senate. I mean no disrespect and I do not think that is a fair charge that the Senator is making.

The Government will seek to answer all questions that come to it, but all of us who have been in government understand the process. No Minister deliberately does not want to answer a question. There is a process. The information has to be collected and we seek to do that.

If Sen. Mark wants to rant, rave and misbehave that is his business but I do not think I would let it go by when he is imputing that people here are being less than honest in dealing with these matters.

Madam President: I agree. Sen. Mark, I think enough has been said on both sides. You got your say. You were not very generous in your remarks. Let us give the Minister one week. Sen. The Hon. Dr. Saith, will you try to ensure that the answer is here in one week, please? Please, let us move on.

Sen. Mark: There are a number of written questions.

Madam President: I know.

Sen. Mark: We are off the oral answers and we are into the written answers.

Madam President: I know that.

Sen. Mark: I, again, appeal for the one hundredth time to ask you to instruct Sen. The Hon. Dr. Saith to have these questions sent to us. It is over one year that these questions have been on the Order Paper. Why are we not getting answers? Why the disrespect to you and the Parliament?

Madam President: Senator, you know very well, as I do, that I cannot hold a Minister's hand and wring it and tell them to bring the answer. They will bring it when it is ready. That is the most we can do. You were in this position and you know very well.

Sen. Mark: I used to wring their hands.

Madam President: Maybe I have to wring their necks then. Let us move on, please.

Question, by leave, deferred.

Companies (Validation of Fees) Bill

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COMPANIES (VALIDATION OF FEES) BILL

Bill to validate the collection of fees received under the Companies Act, Chap. 81:01 [*The Minister of Legal Affairs*]; read the first time.

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL
(JOINT SELECT COMMITTEE)**

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move the following Motion:

Be it resolved that the following five (5) Senators be appointed to serve with an equal number of Members appointed by the House of Representatives on a Joint Select Committee established to consider and report on a Bill entitled the Motor Vehicles and Road Traffic (Amdt.) Bill, 2006’:

Mr. John Jeremie, S.C.

Mr. Satish Ramroop

Mrs. Joan Yuille-Williams

Dr. Tim Gopeesingh

Prof. Ramesh Deosaran

Question put and agreed to.

**PARLIAMENT BUILDING
(APPOINTMENT OF A JOINT SELECT COMMITTEE)**

Sen. Dr. Eastlyn Mc Kenzie: Madam President, I beg to move the following Motion:

Be it resolved that this House appoint a Committee to sit jointly with a committee of the House of Representatives to assess the adequacy of the building that houses the Parliament of the Republic of Trinidad and Tobago with a view to planning for the long-term accommodation of Parliament and report its recommendations to this House within six months:

And be it further resolved that the Joint Select Committee be empowered to send for persons, papers and records and sit from place to place.

Madam President, I want to thank you for accepting the Motion and for having it placed on the Order Paper. I want to say, from the outset that this is quite a straightforward Motion and it is my hope that the debate on this Motion

will end today, the committee would be appointed and would do its work and report in six months, after which, when the report is laid here, Members would have full time to debate the contents of the report.

I am appealing for support for this Motion from the Government, the Opposition and my colleagues on the Independent Bench and hope that today we could set up the committee, have the report forwarded by June of next year and we could debate that report in full.

Why did I bring this Motion? There are several reasons. I would like to outline some of them. I want you to know that I am aware of the fact that the House Committee of the House of Representatives met and came up with some decisions. I am also aware that this building, the Red House that the Parliament occupies, has never been given to the Parliament solely. At every turn, we have had others occupying this building until 2001, when part of the Registrar General's Department moved out. The entire Red House has never been given to the Parliament solely. I am aware of that.

I am also aware that in 2003, Cabinet decided to restore the Red House and it took a decision that it should be used for the Office of the Prime Minister.

I am also aware that a decision was taken that a new Parliament building be built and considerations were given as to what should happen with the functioning of the Parliament while this is happening; a new Parliament building is being constructed. I am aware that some sort of dialogue and action has been going on during the past few years.

I am also aware that a team from Canada visited and met with a steering committee set up by our Government and that steering committee comprised representatives, of not only those occupying the Parliament building, but also from outside the Parliament building. For example, we had Madam President on that committee, the Speaker of the House of Representatives, the Clerk of the House, the Clerk of the Senate, members of the Ministry of Public Administration and Information, UDeCott, the Ministries of Works and Transport and Planning and Development and a specialist historian. There was a recommendation to restore the Red House for Parliament. After that, the Prime Minister's Office would be relocated. Once the Parliament moves from here, the feeling was that it should go into its own home.

I know of the report: *Celebrating the Past, Embracing the Future, March 2005, Development of the Parliament Buildings, Vision and Requirements, Trinidad and Tobago*. I have not heard of any further action being taken towards

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the decisions that were made by the steering committee or the recommendations that were given by the Canadian consultants.

When I looked at the composition of the working group, the steering committee and the House Committee, the Senate was totally left out. Members of the Senate, whether Government, Opposition or Independent Senators, were left out.

I thought if we are going to consider something as important as the accommodation of the Parliament, it should be a consensus building as to what we should have.

I want to look at the Motion and make some comments. The Motion states:

“Be it resolved that this House appoints a committee...”

We will have a committee coming from the Senate.

“to sit jointly with a committee of the House of Representatives...”

I think that is quite straightforward. We are asking that a committee be selected from this Senate, to sit with a committee from the House of Representatives. That committee is to assess the adequacy of the building that houses the Parliament of the Republic of Trinidad and Tobago.

Madam President, I have been here since 1995. I can say that much has happened within that time. As I said before, we moved the Registrar General's Department where we had all those things downstairs. We have had a number of changes to the Parliament operations. We have had joint select committees appointed. We have brought in a broadcast Channel 11 for the Parliament. We have moved the library from where we were in 1995. We have never had the southern wing refurbished, repaired or utilized. We have no idea, if that is done what will be the adequacy of the Parliament.

I have been walking around the corridors and the rooms downstairs in this Parliament. To me, we have reduced the functioning of the staff to a desk being equivalent to an office. In the corridors of the Parliament building there are photocopying machines, equipment, filing cabinets—everything. I have had the opportunity to visit the broadcast room upstairs and I am not sure how Messrs. Boodram, Borneo and Elcock function in that place. They are choked up. I said to them: “I do not think you have space to change your minds up there.” There is no space.

If you go downstairs they have taken all the corridors and changed them into offices by putting up a piece of ply. It is overcrowded. Sometimes, I wonder

whether we look at the psyche of overcrowding when people are choked up and congested. Our files are all over the place.

Recently, when I made my contribution on the question of female officers and getting accommodation for their children, the hon. Attorney General got up and told me what was happening in his office. Afterwards, Mr. Jagassar saw me and said: "We have set up something for the children of members of staff when they have to work late hours in the night." I said: "Pardon me, but I did not know." I went to look at it. It is the space under the step. I thought, probably it is because there are just a few children. Under the step is where they have created the space. When you walk around the space that we use now, it is depressing. I think we have been unfair to parliamentarians and worse to the staff of the Parliament, especially when they work here for long hours and into the wee hours of the morning.

I look at what happens when members of the media want to talk with parliamentarians. When you pass by the little rail, they have to talk, question you and write on their laps and in their hands. This is unfair. That is just a mild overview of what happens just around here.

When you look at the outside of the building, almost every time you would see tourists coming and taking pictures and asking questions. Children come in and you see members of staff downstairs making a mockery of taking these children around these rooms crowded like sheep behind one another. They cannot spread out. I do not know.

I think it is becoming worse, because we are talking about increasing the number of parliamentarians from 36 to 41. We do not have the space for the 36. If a Senator is sworn in on the Opposition Bench you have to "squinge" behind and squeeze to pass in. When we have a ceremonial opening, it is the worst thing; your knees are poking into the back of someone who is sitting in front of you. I said: enough is enough. I thought of what a Parliament building should be, not for us, we may be long gone but, for the stature as the seat of democracy and consensus-building and an example of stability. I think we need to look at what we have, assess the situation and come up with a report as to what we should do.

I thought probably this building served what it should have done at that time. I do not know with the refurbishment and completion of the work on the southern wing, what will happen, or how much could be done with the structure as it is.

I am fully aware of the history of this building and its significance, as part of our built heritage. I am aware of all of that. I am also aware of what should happen in a Parliament.

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When we look at what we are aiming at as a nation—we talk about 2020, the CCJ Headquarters, Caribbean Single Market and Economy, people coming in and what we are supposed to do—I wonder whether we think of the functions that we have to perform in such an environment and situation in the future that we have to leave for our children and whether we think that what we have is good enough, what we should do and how we should arrive at what should be done about as important a structure as the Parliament of a country.

I know that with respect to the report, we can go to the library. We have the report. It is not my intention to go into the details of the report. I am sure Members would have studied the report as published in March 2005. What bothers me is the fact that we have had—probably we are not sure if we will have a chance to talk about what we propose to have as a Parliament building.

Secondly, I have not seen in the budget, any moneys allocated for any work on the Parliament building. I might be mistaken. I have looked and I have asked one or two people and nobody seems—if I am wrong, I stand to be corrected and I will accept the correction. It tells me if there is no money budgeted for any aspect of it—whether it is planning or design; whatever it is—this is not a priority. That is one of the things that worry me. If the housing of the seat of democracy of this nation is not a priority and is not given a place in our budgetary allocations for 2006/2007, I think there is need for concern. It means that there is no plan to do anything.

Therefore, if there is no plan to do anything, what do we do in the interim? Are we going to continue to allow our broadcast channel to be choked up in the attic of this building, as I call it? Are we going to allow our staff downstairs to sit on each other? Are we going to allow them to accept a desk as an office? What are we going to do when we move from 36 to 41? Are we going to confine our activities as a Parliament, to suit the space we have and the kind of accommodation we could have because of the structure we are in and because of the confines of the structure; the limitations that we have in this building? These are some of the concerns that I have.

As I said before, I do not want a few people to make a decision and the decision is carried out. I think we should give people a chance to have an input into as important a structure as a Parliament building. That is why I am proposing that we have a joint select committee with Members of the Senate, whose experiences may be totally different from the experiences of the Members of the House of Representatives. They would sit and call people. They would sit from place to place and get the opinions of people. After all, the Parliament belongs to the people of the country. It does not belong to parliamentarians alone. It belongs to the people of this country.

There are other things that I would like to say about the inadequacy of what we have now, in terms of some of the proposals we have had. We have had people talking about full-time parliamentarians. We do not have rooms for the joint select committees to meet and call people. They have to occupy the Parliament Chamber, most times. When they do that, if we had to meet as the House of Representatives or Senate, we have to juggle our meetings in this place to suit what we have. The agenda of the Parliament is dependent on the availability of space here. I do not think, for a country vying for 2020 developed country status, that is what we can confine ourselves to.

I am sure that most of our parliamentarians would have gone to other countries and would have looked at their Parliaments. I need not say that I know that you have gone. You have been to the Parliament in Canada, New Zealand and many more. When you see what these people have and we are vying for their status; developed country status in the next 10 or 15 years for the most, we are way behind. From what I have read, the new Parliament building, if we are going to have one, according to what happens, will take approximately five years. We are talking about 2012, because 2006 is almost at its end. We are talking about 2012.

When you look at the technology—Senators here would say: “Eastlyn when you go to the House Committee talk about laptop for Members.” You do not have place to put your bags. Sometimes I wonder if you tip over your glass you will soak down the person in front of you. [*Interruption*] I know Sen. Boldon. [*Laughter*]

Sometimes—to be a little humorous—when you sit you are so crowded, cramped and close behind somebody and they say something, you feel to pull their hair. [*Laughter*] That was just a little aside.

I think it is time that we get serious about ourselves; not as present Members of Parliament but for down the road. We should get serious about the role the media should play and the people who work in the Parliament for long hours. We come here once per week, for a few hours. Some people come more often than others. These members of staff come here every day and sometimes they are here for long hours. I think we need to consider how these people function and if we really want the best from them. They juggle space.

When I looked at the broadcast room, the accommodation for the little children and the corridors downstairs—one day you pass along the corridors swinging your arms and the next day you have to be in a straight jacket because you will knock the sides off somebody's office.

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Even the toilet space has been made smaller downstairs. When you push the door—Hi! My God! The internal auditor is there now. There is a little desk there and you see it is a lunchroom.

I am begging the Government, the Opposition and Members of the Independent Bench to please support me in this. Please, support me. It is a plea. I know that the House Committee of the Lower House did some work. I know that there was a working group. I know that there was a steering group but, I think we need a broader consensus. We need broader suggestions from people, because sometimes some people could have some ideas that we never would have thought about. The more the merrier.

With the expansion of services that we are expect—we have been asking for research assistants, this member of staff and that member of staff, where are you going to put them? That is my problem. Where are we going to put them? Yes, you can ask for that, but where are we going to put them?

We want members of staff, Members of Parliament, visitors and the public to come. When you look at other Parliaments you see the public in front their buildings and tourists taking pictures and looking at the industry of the Parliament. We do not have place to park; not for me because I do not have a car in Trinidad.

At one time, we had a senior officer who parked his car right under there and left it all day. If you came in and it was raining, you had to come out your car and go through the rain to come into the building. We do not have a place to park. We park in the street. If there is anything in the church, they block off the street and we are unable to get here.

I remember the last time they blocked off the street, my taxi had to stop and drop me off. I was walking and a soldier asked me: “Hey, hey, where you going?” The soldier did not know me. I ignored him so totally. I said: “If a bandit was running me down, you would look to hold me instead of the bandit?” I pulled one long “steups” and left him there. They had to drop me there and I had to walk. When anything is happening there it is very congested. The streets are blocked off and it takes you hours to get from downtown to up here.

Let us sit down—I have no concern about all the talk about the Prime Minister and the Red House. That is not my concern. My concern is the comfort of the Parliament, the parliamentarians, members of staff and members of the media who service the Parliament and get our stories out and our information technology. That is my concern. If we have a committee that will come up with an idea that such and such is the case, fine.

Madam President, look at traffic—accessibility to all. The last time we had something here the disabled people wanted to come and listen to the debate. Some big, strapping people from the Parliament staff had to go downstairs and lift the man with his wheelchair and bring him up. There is no access for anybody like that. These are the types of things, I hope, would be discussed in a joint select committee. As a consequence, we will have a report brought to this Parliament and then Members could debate it.

That is why I am begging the Government to agree with me to set up the committee. It is only for six months. They have a special mandate. We will debate the report when it comes. It is not a long time. Get the opinion of as many people as possible. Go to different parts of the country and engage the people in discussion about the Parliament. You have a limited time. That is why I am saying: let us have this committee set up. There is no need for a big debate now. I am envisaging that the Government will agree with me and we will say who the members of the committee are and ask the Lower House to select their Members of the committee, decide when we are going to meet. We would have to report by June. They could take into consideration the previous discussions, reports and meetings that they have had, bring it to the Table and when we come back, after six months, in June 2007, then we debate the report in full.

These are some of the points I want to raise. We need that elegance of Parliament. We need that stability. We need the decorum of a Parliament that boasts itself as being the centre of democracy. We need that. We need parliamentarians and members of staff who work in the Parliament to feel proud that they are here. We need, when visitors come, that they look at our Parliament as a landmark of this country with the grandeur.

I can see you and the Speaker coming down with all your robes with pride, because you are in an elegant building; not this crumbling—If it rains somebody has to be behind to catch you in case you fall.

Madam President, I am appealing again to the Government. I am appealing to the Members of the Opposition and my own colleagues on the Independent Bench to agree with me and support the Motion I have moved and let us have a joint select committee with Members from this House joining with Members of the House of Representatives, meeting people and looking at papers and coming up with a fine report that we can discuss. We would have something in front of us to debate. Right now we really do not have a debate. I am just moving a Motion.

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Let us get rid of the substandard facilities that we have. Let us put an end to the piecemeal approach we have to fixing the problems. Let us develop a long-term plan for the housing of members of staff and Members of Parliament, in the facilities that we cannot meet in the present space that we have; what we are doing now.

I want to commend the Marshal for the temporary solutions he is finding for the problems of space that we have. I also want to commend our members of the broadcast channel, Messrs. Elcock, Boodram and Borneo, for operating out of that facility and for the Motion that was passed, which was moved by Sen. Prof. Deosaran.

Commenting on that, members of the public have been very enthusiastic about it. They have been talking about how good it is, especially those slots between the debates that those gentlemen in the media house put on. Many of us have learnt from them, although we are not seeing the channel in Tobago as yet. I understand that it will come. We are patient.

Let us look at the deterioration of the present building. We have no grounds. These are the types of points I want to raise. I do not want to go into the types of facilities that a new Parliament should have, because that would be taking away the work that the joint select committee would do. I do not want to go into that. I know that you will know from your visit to other Parliaments around the world, the types of facilities. It makes you envious.

Madam President, having said what I have said, let me finally beseech, beg, ask and request that full support be given to my Motion, which I will read again:

Be it resolved that this House appoint a committee to sit jointly with a committee of the House of Representatives to assess the adequacy of the building that houses the Parliament of the Republic of Trinidad and Tobago with a view to planning for the long-term accommodation of Parliament and report its recommendations to this House within six months.

And be it further resolved that the joint select committee be empowered to send for persons, papers and records and sit from place to place.

Madam President, I beg to move.

Sen. Prof. Kenneth Ramchand: Madam President, I rise to support the eminently sensible Motion presented by the hon. Senator, which I hope will be accepted, without debate. I, nevertheless, reserve the right to speak on the Motion at a later stage in the proceedings.

Madam President: The Motion has been seconded by Sen. Prof. Ramchand.

Question proposed.

Madam President: Anybody on the Government side?

Sen. Wade Mark: Madam President, we on this side would like to identify and support this Motion in the name of Sen. Dr. Eastlyn Mc Kenzie. Like her, I would hope that the Government would be able to establish a committee today, so we do not have to come back at the end of January or December to debate this Motion. If it means that we have to leave at 9 o'clock tonight to complete our exercise, we should do so, and get this matter out of the way, because it is not a full-fledged debate. There are some issues that I would want to put on the Table today, during my contribution.

I think that we have to get to the heart of the dilemma or the problem that we face in this Parliament. All the problems that the Senator identified can be traced to one particular area. It has to do with what I would like to describe as the continued subordination of the Legislature to the Executive. That has to do with the nature of the Constitution that we have in this republic, both prior to independence, subsequent to independence and then also republican status; in particular since 1976. Until we are able to overhaul the Constitution to make the Executive accountable to the Legislature or to the Parliament, so long we will continue to be begging the Executive and so long the Executive will continue to ignore the cries and voices of this Parliament.

When we were in office, there was a House Paper that you should be aware of. Before I deal with the House Paper, under Standing Order 66(1), there is something called the House Committee, which Sen. The Hon. Dr. Lenny Saith heads. I do not think that he is aware that he heads that committee. A Government Minister heads it and I believe that it is Sen. The Hon. Dr. Lenny Saith. In this House he is in charge of the House Committee and he is supposed to report to the President on Members' comfort and convenience. I do not think that House Committee has ever met since the Parliament was convened in October 2002.

It means that, again, because Sen. The Hon. Dr. Lenny Saith—it is not Sen. The Hon. Dr. Lenny Saith's fault. I want to make it very clear. It is not the Attorney General's fault in this instance. It is not. The Attorney General and Sen. The Hon. Dr. Lenny Saith are prisoners of a Constitution. They are prisoners within the Constitution. The way the Constitution is framed, fashioned and shaped, inherent in that arrangement is an attempt; not only an attempt but a clear

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relationship between the Executive, which is the Cabinet and the Legislature, which is the Parliament—both Houses of Parliament. In this regard, the Executive has the Parliament in its back pocket. The Executive, through the Constitution, has hijacked the Legislature. This is why we have to be begging.

There is a House Paper, which was passed by both parties at that time in the House of Representatives, the PNM and the UNC. This was some time in 1997. When you look at the recommendations that the two parties agreed to—I understand from the parliamentary staff that the matter of management and control of the Parliament, which was one of the recommendations agreed upon by the House of Representatives in its 1997/1998 session—they are still lying on the desk of my good friend, who is walking to come back, the Attorney General. He has had that document to put in a draft form, to bring in a legislative form to this Parliament to establish a management board, where you, as the President and the honourable Speaker, would become the effective controllers of the Parliament of Trinidad and Tobago, where you would not have to go to the service commission to get people to work for this Parliament, where the Parliament would really have independence.

2.30 p.m.

The Parliament cannot be independent when you have to be begging the Executive. Even if you want to go to a Commonwealth conference you have to go to the Cabinet. What business is it of the Cabinet to determine whether Satish Ramroop, Wade Mark or Mary King is going or need to go to a conference that is approved by the Commonwealth Parliamentary Association Executive Committee? So if the PNM does not like Wade Mark, then I could be in trouble.

Sen. Dr. Mc Kenzie: Everybody likes you, why are you saying that.

Sen. Dr. Gopeesingh: And they love you very much.

Sen. W. Mark: No, I am saying in the event; I am not saying that they do. But I am saying in the event that they do not, what is going to be my position?

Sen. Dr. Mc Kenzie: Everybody likes you. [*Crosstalk*]

Sen. W. Mark: So, Madam President, I just draw this matter to your attention that there should be— [*Interruption*] I remember in the case of my colleague, Ganga Singh, I know he fell victim to that assault at one time. [*Interruption*] No, whether it is the UNC in power or the PNM in power, what we are saying is there is need for radical constitutional reform—

Madam President: Would you give way?

Sen. W. Mark: Just a minute—in our country in order to address the problems that you are faced with. Madam President, I can see the frustration in you. [*Laughter*] [*Desk thumping*]

Sen. Jeremie: Madam President, I know the frustration that he sees in you is as a result of his performance here this afternoon. But I would just like to ask the Senator, what in particular is required of the Attorney General, because I was not sure that he made the point certain. He said something about something in legislative form, but I can assure him that there is no work on my desk which is outstanding. I am up to date with all my work and I keep up to date with my work on a daily basis. [*Desk thumping*]

Sen. W. Mark: Madam President, it is my understanding that one of the recommendations arising out of the 1997/1998 Session was the need to establish a management structure for the Parliament of the Republic of Trinidad and Tobago. That matter, I understand, went to the Office of the Attorney General.

Sen. Jeremie: Madam President, in 1998 the Attorney General was Ramesh Lawrence Maharaj, what he probably did with that paper was to throw it away and as such it has no life in the Attorney General's office. What I am saying is that any work which was alive—and Mr. Ramesh Lawrence Maharaj left quite a lot of work on his desk—all of that work I have attended to. All! Okay. That was not there.

Sen. W. Mark: Madam President, it is my information that this matter is lying on the desk of the Attorney General of the Republic of Trinidad and Tobago.

Sen. Jeremie: I must know what is on my desk!

Sen. Dr. Gopeesingh: Probably on the shelf.

Sen. W. Mark: But anyway, I will provide him with more detailed information during the course of the proceedings.

May I, Madam President, refer to the recommendations made by the House of Representatives in 1997 and 1998, and this was agreed to by the two parties in the House of Representatives.

The second recommendation—it is a series—the dedication of the Red House to the sole use of the Parliament of Trinidad and Tobago and the relocation of other offices which now utilize the Red House.

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Madam President, as you know the other offices that used to be here are no longer here. However, I would ask Sen. Dr. Saith when he is speaking to verify a report that was in the newspapers. I refer to a Gail Alexander article on November 06, 2004 and she stated in this article entitled “Preparing House”:

“...Cabinet's reported decision of 2003 to relocate the Parliament to make way for the Prime Minister's office elicited more concern than that from various quarters including the Opposition and some Independent senators.”

I would like the hon. Minister to tell us whether Cabinet took a decision in 2003 to get rid of the Parliament as the seat; to get rid of us as parliamentarians sitting in this Red House in order to make way for the Prime Minister's office. Get rid of the Parliament, in other words, remove the Parliament from the Red House in order to make way for the Office of the Prime Minister. I do not think any Government Minister has ever admitted that a decision was taken by the Cabinet in 2003 to remove the Parliament and put in its place the Office of the Prime Minister of Trinidad and Tobago.

Madam President, the reason a Cabinet can move in such a way is because the Constitution of our country gives the Prime Minister and the Cabinet a certain kind of “invasion power” of the Parliament. So you know, Madam President, in this Parliament the majority of the members in the both Houses are members of the ruling party. So where is the accountability? How can we be in a position to carry on the affairs of the Parliament if we are subordinated to the Executive of this nation? And this is why in doing some research on this matter I came across the experiences of a number of countries and I want to indicate, Madam President—

Sen. Dr. Saith: Madam President, the Senator asked a question and before he proceeds along his wrong path as usual. The Cabinet decision on February 27, 2003 was as follows:

The Urban Development Corporation of Trinidad and Tobago be mandated to prepare:

1. In consultation with the committees of Parliament a user brief for a new Parliament building;
2. Proposals for the necessary site acquisitions for the said building; and
3. The user brief be used by UDeCott as a basis to develop proposals for a national competition for the design of a new Parliament building.

That is the Cabinet decision and that is the way the process has been going since then, as you well know. There has been consultation with the Parliament, with the people who came down to do a user brief and that is the process that has been followed. It had nothing—the decision that you are talking about this is it.

Sen. W. Mark: So, Madam President, am I to take it from the hon. Minister that there was never any decision on the part of the Cabinet of Trinidad and Tobago to have the Prime Minister's office located here in the Red House? Is that what the hon. Minister is telling us?

Sen. Dr. Saith: I read the Cabinet decision. That, having been done, the Government through its Property and Real Estate Division has to decide what use would be made of the Parliament when the new Parliament is here.

Sen. Dr. Gopeesingh: So is the Ministry of Public Administration and Information determining that?

Sen. Dr. Saith: Yes.

Sen. Jeremie: Of course.

Sen. W. Mark: Madam President, may I further enquire, through you, whether there has never been any decision taken by the Cabinet of Trinidad and Tobago to put, here, in the Red House, the Office of the Prime Minister? *[Interruption]* Is that what the hon. Minister is saying?

Sen. Dr. Saith: Madam President, I do not want him to create an impression. First of all, he said there was a Cabinet decision to put the Prime Minister's office here. I have corrected that. When the building is free the building will be allocated, as part of that allocation there is work going on to see whether the Prime Minister's office can come here and work is going on, on a layout for that but that is not a decision; it has to come to the Cabinet.

Sen. W. Mark: Madam President, I just want to—I will come back to that later on. I want to move on. I have in my possession a resolution which was passed in the Parliament of the Bahamas earlier this year and this matter is still before a Joint Select Committee and I want to read it for you and for the hon. Senators. So what Dr. Eastlyn Mc Kenzie has brought to this Parliament today, it is something that is already in train in several other jurisdictions. It says:

“Resolved that this House agrees that the Speaker be and is empowered to appoint a Committee of Members to sit jointly with Senators to assess the adequacy of the buildings that house the Parliament for a twenty-first century

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Bahamas with the objective of making a report to this House of the joint committee's recommendations within six months. With power to send for persons and papers, with leave to sit from place to place and with leave to sit during the recess.”

So, Madam President, what we are debating today is something not unusual, it is taking place in many Parliaments today. One of the areas, I think that we need to address has to do with the body or the organization responsible for determining the location of a Parliament; of any Parliament. Madam President, I do not think it is within the remit of the Cabinet of Trinidad and Tobago to dictate to the Parliament, the two Houses of Parliament in this country, whether we need a new building or we need to be relocated. The Cabinet of Trinidad and Tobago does not have that power!

Madam President, here it is the Parliament which is—if we are operating in accordance with the principle of separation of powers, the Parliament is independent of the Executive, just as the Executive is independent of the Parliament. This Parliament cannot tell the Patrick Manning Cabinet to fire or to put somebody else in the Cabinet; that is a decision of the Prime Minister. The Prime Minister appoints his Cabinet and the Prime Minister fires his Cabinet. We cannot intervene there! So who gave the Cabinet, the Executive the authority to intervene in Parliament's business? This is Parliament! Parliament is independent of the Executive!

But, Madam President, I want to ask Sen. Dr. Saith, when he made that statement in terms of the Cabinet decision on February 07, 2003: Did the Executive take into account the decision of the House of Representatives? Did the Cabinet take into account the decision of the House of Representatives which was unanimously agreed? This report was adopted unanimously by the Parliament; the House of Representatives; the both parties in the House of Representatives on November 06, 1997. And I want to reiterate for the record that the PNM agreed with the UNC in 1997 to dedicate the Red House to the sole use of the Parliament of Trinidad and Tobago. That is what the Parliament decreed! How can an Executive, Madam President, take this recommendation and toss it out of the window or put it in some waste basket when they had agreed? So how can they come back in 2003 and agree to give UDeCott some brief to determine whether we should stay here or whether we should go there? That is not the business of the Cabinet! That is an invasion and an undermining of the principle of the separation of powers that we are supposed to be governed by. [*Desk thumping*]

We make a commitment here this evening, to the Parliament and to the people of this Republic, that a UNC government will enact a law to govern the affairs and to make the Parliament independent of the Executive and allow the Parliament to have control and management over its affairs. [*Desk thumping*] What we need is the Parliament to have legislation. And, Madam President, as I am on legislation, I saw a report which happens to deal with the whole issue of the bodies that are supposed to be responsible for the Parliament and for location of a Parliament. If you want to move from here to there, it is us here who must determine that. The Prime Minister of Trinidad and Tobago and his Cabinet cannot determine for the Parliament where we should go.

Madam President, do you know why the PNM could get away with this kind of behaviour? It is because for almost 30 to 40 years they never brought to this Parliament legislation to give to this Parliament the power of independence that they deserve. I will bring to your attention what takes place in Australia, what takes place in New Zealand, what takes place in Canada and what even takes place in Jamaica to show you that until we have an Act of Parliament called the Trinidad and Tobago Parliament Act to give the Parliament total power and control over its internal autonomy or its internal affairs, the Parliament will continue to be the plaything of the Executive, be it a UNC Executive or be it a PNM Executive.

Hon. Senator: Or COP.

Sen. W. Mark: “Nah”, it has no COP here, you have a “corpse”. We do not have a COP, you have a corpse and we do not deal with the dead, we deal with the living.

Madam President, let me indicate to you what happens. Would you believe that in Australia as an example, if you have to move the Australian Parliament from one point to another point, a parliamentary committee under the legislation in the Australian Parliament will take that decision? A parliamentary committee, not a Cabinet, Attorney General. [*Interruption*] Not a Cabinet! Not UDeCott! It is the Parliament, and the Parliament, will invite you, through the Ministry of Works and Transport or the Ministry of Public Administration and Information to advise him what we want of him. They must not tell us what they want of us. We are superior to the Executive! The Executive is subordinate to us! [*Interruption*] You are accountable to us; you cannot be equal to us; you are accountable. We scrutinize your affairs, so when you engage in “bobbol” or if you attempt to do that, we expose you and we will send the file to the DPP; not to you.

Sen. Dr. Gopeesingh: They may say UTT. It is UTT you are talking about.

Sen. W. Mark: Well, I am talking about the hon. Attorney General of the Republic of T&T. The hon. Attorney General, my good friend.

Sen. Dr. Gopeesingh: We are not talking about UTT. It is hard to get a file on UTT.

Sen. W. Mark: Madam President, I want to also let you know that in Canada there is an Act of Parliament governing the parliamentary affairs of Canada. We demand of the Attorney General of this country to move post-haste to prepare legislation to bring to this Parliament before the end of this parliamentary life, legislation to give the Parliament the autonomy, the independence and control over their internal affairs so that they can from here on have the independence that we deserve as a Parliament. [*Desk thumping*] This is what the Attorney General should be doing before the life of this Parliament is over and before he goes back to the university to teach.

Sen. Jeremie: Could you give way, Senator? Sen. Mark keeps referring to the Report of the House Committee in 1997 without telling the House that his government was in power between 1997 and 2001. Now, if we are to have a debate on this which is to be devoid of partisan bickering—and this is a subject that requires such a debate—I will ask the Senator to take account of the fact that his administration was in power for most of the period of time that he is speaking of.

Sen. W. Mark: This is the kind of simpleton response; that is a simpleton response!

Sen. Dr. Kernahan: Yes, yes.

Sen. W. Mark: Simplistic. Sorry, Madam President. That is a simplistic response. Governance is about continuity! We were babies, six years old; them “hard back”, almost about 45 years old, they want to compare us with them! How you can compare us with you? [*Interruption*] We were just six years old; five and a half.

Sen. Dr. Gopeesingh: We were toddlers.

Sen. W. Mark: We were toddlers now trying to get up and run to take charge and then the government was handed over to them. And you coming to tell us about “you were there for six years and you were there for five years and why you could not do it”, Madam President, that is no excuse for them not doing it.

Hon. Senators: Yes. [*Desk thumping*]

Sen. W. Mark: Look, you are there for five years now! You are there for five years now going on six years and you have failed to perform and you are masking the reality of your underperformance by these lame duck excuses.

Sen. Dr. Gopeesingh: Well said there, Wade. [*Desk thumping*]

Sen. W. Mark: Madam President, let me just continue before I was interrupted by my good friend. [*Interruption*] This is a document that came to my attention—you know I am lucky to get these documents through the mail—and it is a House of Representatives document dealing with a “Report on research on the body responsible for determining physical requirements and location of Parliament”. [*Interruption*] Well, somebody sent it to my mail. I just want to quote on page 5 and I just want you to endure for a little while, it says:

“Under the Parliament of Canada Act, the Board of Internal Economy in the House of Commons has the legal authority to ‘act on all financial and administrative matters respecting the House of Commons, its premises, its services and its staff; and the Members of the House of Commons.’”

Madam President, it goes on to tell you that there is also:

“The Senate Standing Committee on Internal Economy, Budgets and Administration and the House of Commons Board of Internal Economy determine where Parliamentary functions are to be located as well as the requirement for new buildings.”

What the law of Canada does is to empower the President of the Senate and the Speaker of the House of Commons along with the both Houses of Parliament in terms of representation to determine where you want your Parliament to go.

We want in legislation, the financial allocation to you and to the Speaker as the leaders of this Parliament; you want the same kind of importance and significance attached to the Judiciary, we want it attached to the Parliament. We do not want to go cap-in-hand begging for money; when we say we want \$200 million or \$300 million, that must be there in a block vote like the Tobago House of Assembly. Just as how they give Tobago a block vote they must give the Parliament a block vote and you must have total control over that and the Auditor General would be accountable for the spending of that money in terms of accounts at the end of the process. We cannot be going to the Cabinet of this country every time we want something done to beg the Cabinet, and if the Cabinet does not want to give you they do not give you or they are vexed with you because they do not like how I talk; they refuse to give the President whatever she wants. [*Interruption*]

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I have pointed to you that there is, in Canada, an Act called “The Parliament of Canada Act”. Madam President, look at Jamaica. Jamaica with the same Constitution that we have—almost the same Constitution with a little variation here and there—hear what it says on page 7 of this document for the House:

“Accommodation and the physical requirements of the Jamaican Parliament are determined by the House Committee and Senate Committee.”

That is the Motion before us.

Why are they sidelining the Senate? I read—and Sen. Dr. Saith could correct me if I am wrong—that this debate on the aluminium smelter plant, Madam President, I understand the Prime Minister has said that he will take it to the House of Representatives. So we do not have a Senate! We do not want to debate that particular Motion? I am getting the impression that the Senate is being left out and I call on Sen. Dr. Lenny Saith, if that is the position of the Prime Minister, to tell the Prime Minister that the Senate which is enshrined in the Constitution of the Republic of Trinidad and Tobago has a right to participate in any debate on this particular question of the aluminium smelter plants. So I call on him to take action to ensure that is done.

Madam President, in Jamaica to determine relocation or new buildings for the Parliament it is a joint parliamentary committee comprising of Members of the House of Representatives and Members of the Senate. Not the Cabinet. The Cabinet does not determine these things in Jamaica. We go to the Cabinet for money but they cannot determine for us where we should go. You go to New Zealand; it has an Act called the “New Zealand Parliamentary Service Act” and let me give you a little insight into what that Act gives to the New Zealand Parliament, and Madam President, you know you are in charge. In New Zealand you are the boss. The President is the boss and the Speaker is the boss!

Sen. Dr. Saith: They could put you out.

Sen. W. Mark: Yes, she could put me out because she is the boss. But in this Parliament you subordinate the President and the Speaker to your whims and fancies as the Executive. We are saying that must stop, and we are saying just as New Zealand has a Parliamentary Service Act, we want a parliamentary service Act for this Parliament. Madam President, hear the powers that you are given in New Zealand; you have the power under this Act to:

- “(a) enter into deeds, contracts, or arrangements—
 - i. to purchase, take on lease, sub-lease, licence, or sub-licence any land or buildings or parts of buildings;

- ii. to sell, transfer, assign, or otherwise dispose of any lease;
- iii. to erect, alter, rebuild or add to any building;
- iv. to develop or improve any land;
- v. to install partitioning in any building;
- vi. to fit out any building or part of a building.”

These are the powers that are given to the President and Speaker in the Houses of Parliament in New Zealand; not the Cabinet. The Cabinet has no power to determine these things in New Zealand. So what we are demanding of this Government is to bring to this Parliament legislation to give the power to the Parliament through the President and the Speaker and the both Houses of Parliament the power to determine their own internal affairs. That is the power we want here! We do not want any favours. [*Desk thumping*]

3.00 p.m.

The Parliament is an independent institution under the Constitution and the Parliament should be so empowered. Madam President, would you believe, even the Scottish Parliament that was recently established has power that you do not have; the Speaker does not have; we do not have; and they were recently established. I would like Sen. Dr. Lenny Saith, if he is serious, to recognize that the only way we can deal with the problems that Sen. Dr. Eastlyn Mc Kenzie, so eloquently outlined in her presentation is to bring an Act of Parliament to this Parliament to empower the Parliament to have the power to do what it wants, given the mandate given to it by the Members of this Parliament. That is the only way you are going to be liberated, otherwise you are going to be enslaved under this regime.

Sen. Dr. Saith: [*Inaudible*]

Sen. W. Mark: I am going to ask for it to be amended. I do not amend things just like that, I would talk to the lady. You all have a way of just getting up and amending things without consulting. I would have to talk to Sen. Dr. Eastlyn Mc Kenzie because this is a joint effort; it is a consensual approach that we want to take in this matter.

Well, Madam President, we cannot even go to London. That building has been in existence since the 13th Century and nobody could move them, in fact, they are taking over buildings. That is the power of the Parliament in London and when you see the power of the Clerk in that place, real power; the power of the

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Speaker, real power. So, I would not detain you, Madam President, on the question of the United Kingdom. I raised these matters to let you know that the only way forward of dealing with these challenges that we are faced with in this Parliament, whether it deals with what Sen. Dr. Mc Kenzie speaks to as it relates to accommodation, services, committee rooms; whether it deals with our rights to ensure that the children of parliamentarians and the children of the members of staff are adequately taken care of, these things can only be properly settled when you have the power to do so. You do not have the power and we must not beg the Executive. We must not beg the Executive for these things; the Executive does not do the Parliament a favour.

The Parliament has of right to have its own independence and we are calling on the Government. I want to give Sen. Dr. Saith one assurance, if you fail between now and the end of your parliamentary term in October—or you might go until January 2008—to bring a Trinidad and Tobago Parliament Act to empower the Parliament to run its own internal affairs and to delegate to the Parliament through legislation, power to determine its own internal affairs, we in the UNC, when we assume power, will bring to Parliament an appropriate legislation to deal with that matter. [*Desk thumping*] The time has come to empower the Parliament in our country through legislation.

Madam President, we are not begging. Sen. Dr. Eastlyn Mc Kenzie, I hear you pleading and you ‘thinging’ and support and thing; we are entitled, we demand Sen. Dr. Saith to support this measure. We are not begging him, he must support it.

Sen. Dr. Saith: You could talk like that when you are over there!

Sen. W. Mark: Do not worry; I am coming across there just now. Do not worry. [*Laughter*] [*Desk thumping*] Madam President, these are some of the issues that—

Madam President: Are you nearly finished or are you taking the extension because you have a minute.

Sen. W. Mark: No, well just give me a little five minutes more. So, Madam President, what we are arguing here and what we are submitting to you and I am so happy, there is a very beautiful document called 'Celebrating the Past, Embracing the Future' that came to my attention and it really gives a kind of blueprint, an outline which a Joint Select Committee would be really advised to study and examine because it would give us a guide as to where we want to go in the future. This is a very important document.

I do not disagree with what Sen. Dr. Saith had said, but I do not believe that so many people could have been wrong on this particular issue that I would raise in a short while.

Madam President: Hon. Members, 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: Madam President, may I continue?

Madam President: Yes.

Sen. W. Mark: Madam President, in an article dated Saturday, March 12, 2005 by Gail Alexander, it is stated on page 3 of that report and I quote:

"A proposal done by Bynoe and Associates to assess space—and how the Office of the Prime Minister could be accommodated at the Red House—was completed last year (in 2004) and sent to the OPM (Office of the Prime Minister) for comments.

A second draft was done and resubmitted. There has been no word on this yet."

So, we are hearing from Sen. Dr. Lenny Saith that there was never any intention according to the Cabinet Note to bring the Office of the Prime Minister or virtually and so on, address the issue of the Prime Minister coming here. But here we are seeing that in an article, which no one has denied, that a proposal was done by Bynoe and Associates to assess space and how the Office of the Prime Minister could be accommodated at the Red House. So it appears to me that there was some kind of intention on the part of the Cabinet or the Prime Minister to move down to the southern wing of this Parliament.

Madam President: Are you going to give way?

Sen. Dr. Saith: You see, Madam President, again, the Senator has selective hearing ability. First, when he started, he said that the Cabinet had agreed, I debunked that, I got up and said that yes, as part of the possible utilization of space when Parliament is moved, we were doing an analysis of the spacial requirement of whether the Prime Minister's office could be—I said it, so I do not understand what he is trying to imply.

Sen. W. Mark: Madam President, let me go on to another article, November 20, 2004, by Lincoln Myers. It is entitled, “Of Parliament and the People” and I read:

“Guardian political reporter Gail Alexander’s commentary on November 06, entitled ‘Preparing House’, caught my attention.

The gist of the report is that the Cabinet is proceeding with plans to relocate both the Office of the Prime Minister (OPM) and the Parliament, which currently sits at the Red House.

The article refers to a 2003 Cabinet decision as the authority for relocating the Parliament in order to make way for the OPM at the Red House. And in this regard a survey with respect to accommodation for the OPM at the Red House was due to be completed the week following her report.

Here is a clear example of the Cabinet (i.e. the Executive) acting as an authority superior to that of the Parliament (i.e. the Legislature). Exhibiting only contempt for the House of Representatives and the Senate.”

Madam President, the population of this country have come to the conclusion—whether Sen. Dr. Saith says what he has to say—that there was an attempt to get rid of us here and bring the Office of the Prime Minister in our place and this was written by Lincoln Myers since November 2004. I will tell you something else, because Sen. Dr. Lenny Saith is on record as saying—in fact, not only is Sen. Dr. Lenny Saith on record as saying this, but the hon. Prime Minister himself is on public record of supporting this whole move. So, I do not understand when he tells us—there is an article in the *Trinidad Guardian*, Wednesday April 30, 2003, there is a picture of the Prime Minister, the President of the Public Services Association and it deals with a meeting that was held at Whitehall to discuss the relocation of Parliament. After the meeting, Baptiste told reporters that Manning has indicated he is willing to consider public consultation on the plan. So what we are seeing here is that the Government had taken a decision and the Government was prepared, based on the outcry.

Madam President, do you recall a protest on a Saturday by a group of citizens, who went to the Prime Minister’s home in St. Ann’s? Sen. Prof. Kenneth Ramchand was part of that protest and they handed the Prime Minister a petition, telling him do not bring Whitehall here; leave here for the Parliament, because it was a clear understanding that there was a move afoot by the Prime Minister to move us out of the Parliament building and bring his office here. Why is it up to today, as we speak, you cannot go south of the rotunda? Why is it the Parliament

has no authority to go south of the rotunda? My information is that they have been instructed by the Office of the Prime Minister and the Office of the Minister of Public Administration and Information, even if they want space, that they cannot go beyond south of the rotunda. That is almost designed and relegated for what they call the Office of the Prime Minister.

So, the Prime Minister invades your space; he seeks no permission from you and us in this Parliament. Do you know what he is doing? As a result of that invasion, you have the problem that Sen. Dr. Eastlyn Mc Kenzie speaks to. The President of the Senate and the Speaker of the House of Representatives have no power to tell the Prime Minister he is wrong on this matter, because the Cabinet instructed the Speaker and the President to leave that space, south of the rotunda for the Office of the Prime Minister. Madam President, that is an invasion. That is an invasion of Parliament. That is like a coup; it is like a mutiny! How can the Cabinet come to this Parliament and tell us we cannot occupy our space? This is the Parliament! [*Desk thumping*] I call on the Prime Minister to remove. I call on the Prime Minister this afternoon to rescind any decision taken by Cabinet to hold back the House of Representatives and the Senate through the Speaker and the President from utilizing space beyond south of the rotunda. This reminds me of the behaviour of UDeCott and the Prime Minister when they wanted to take away the space from the people in St. Ann's in order to build some rose garden, I understand.

Sen. Dr. Saith can say what he wants, the country is aware that right now the Prime Minister is working to take control of the Parliament building, south of the rotunda. That is what we know. Madam President, I am giving you the undertaking, that and God's face the Prime Minister and the PNM will never see in this country! [*Desk thumping*] They will never see it! You will go where you are right now in St. Clair, take over the office of the Minister of Public Administration and Information, give him a nice building there at the corner of St. Clair Avenue and let him stay there. He belongs there, not here. The Parliament does not want the Office of the Prime Minister here in the Parliament Chamber. We do not want Manning here. [*Desk thumping*] We do not want the Prime Minister here and, in any event, he is on his way out. That is a dying regime. [*Desk thumping*]

So, Madam President, you do not have to worry. You do not have to worry about one thing; once we are here, you will be there. [*Laughter*] Madam President does not have to worry.

Sen. Dr. Saith: I want to take the Senator seriously. Could he tell me—he does not want Manning here, he says—if they win who will be here as Prime Minister? [*Laughter*]

Sen. W. Mark: Madam President, I can only give Sen. Dr. Saith one commitment. There shall be an Act called the Trinidad and Tobago Parliament Act of 2008 in order to give to this Parliament the power that it deserves to control its affairs. [*Desk thumping*]

Sen. Jeremie: Madam President, when I had just developed a practice in the law about 15 years ago, I knew that the area south of the rotunda was part of the High Court Registry. Is the Senator suggesting otherwise? Because my understanding is, that area was not occupied by the Parliament.

Sen. W. Mark: Madam President, he is very young. You are very young. I came to the Parliament in 1990. I want to tell you something, Madam President, through you, I sat in the southern wing of the Parliament of this country. We had that area; we sat there as a Parliament; the Senate sat in the southern wing, so this building was always occupied by the both Houses of the Parliament. I was here; I was there.

Sen. Dumas: Not always.

Sen. W. Mark: You are wrong; you were in space not here. The Attorney General does not know what he is speaking about. If he wants knowledge of the Parliament, let him come to me or go to the Clerk. [*Desk thumping*] He does not know about the Parliament.

Sen. Jeremie: The Minister of Legal Affairs has reminded me really and truly my memory does not fail me here. The Land Registry was down there and I used to do my searches there. I remember learning to do a land search there.

Sen. W. Mark: So, all we are saying to you and to the hon. Attorney General and the hon. Minister of Public Administration and Information, do not mess with our space. Do not mess with the space of Parliament. The Opposition is in support of the Motion that is before the Parliament. The Opposition calls on the Government to join with us and the Independents in support of this Motion and the Opposition calls on the Government to give us a commitment this afternoon. If we have to go until 10.00 p.m. this evening, we want the Government to give us an undertaking to bring an end to this travesty of justice that is taking place in this country as it relates to this Parliament.

We want the Attorney General and the Minister of Public Administration and Information to give us an undertaking that if they wish to amend this Motion, one of the amendments must be that the committee consider urgently the formulation by instructing the Attorney General to bring to this Parliament before the end of the parliamentary life of this Government, a piece of legislation entitled Trinidad and Tobago Parliament Act in order to empower the Parliament to take control of its own affairs.

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

The Minister of Local Government (Sen. The Hon. Rennie Dumas): Madam President, it gives me pleasure to recognize the joining of the mover of the Motion and I would therefore presume the seconder of the Motion and the extent to which the Senator who spoke has joined the vision of the Government that acclaims and accepts that the 2020 vision is real, alive and is worthy of pursuit.

Madam President, what is the case of the proposer? The case of the proposer of the Motion is the laying down of a set of arguments that suggest that the thrust of the request may be redundant. The thrust of the request in the Motion is that we should have a committee, which will examine the adequacy of the present building arrangements for service of the Parliament. That is the thrust; I am paraphrasing. Then she went on to lay a solid argument for that and then we heard the goodly Senator, maybe in the only part of his contribution that I could agree on, totally agreeing with the arguments of the inadequacy of the building and the arrangements that are made for the Parliament.

In a real sense, the need for a committee is preempted. If we all agree, then why do we need the committee? Maybe one could argue that. Then all the arguments seem to suggest that the faults that we could identify in the Parliament are self-evident. I think what has happened today is that the Independent Senator—and I hope she does speak for every other Senator—has finally agreed with us that this building and the present arrangements are totally inadequate. And even if you want to say, our worst enemy, by the position he holds as the Head of the Opposition in the Senate, has had to agree that the position taken by the Government that the arrangements for housing the Parliament are inadequate.

What therefore is the case? I want to accept but I do not want to argue very much with Sen. Dr. Mc Kenzie because it is quite easy for us to accept what she is saying. When she concluded by saying, let us get rid of the substandard or inadequate facilities we have and put in place appropriate facilities or words to

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that effect—could I so paraphrase—I am saying, Madam President, that is easy to do. Then she went on to commend the Marshal of the House and I would assume that she would want to add to that, the Clerks, the Speaker, the President and so on, on the kind of arrangements they have made in the limited facility we have and I am sure that the proper arrangements reflect the conceptions of the functions of the Parliament. Between the discussions she had and the jokes she made, we might have been quite clear what these functions are and why they should be carried out here. But the focus for us has to be the adequacy of the arrangements that are made for us as Senators; that has to be the focus. And in speaking to that, we would agree that, as Senators, we should have a clear concern for what is the service we give as we carry out our functions in this present Chamber.

It is quite clear that all evaluations—and I think there was a quotation from a committee that was set up in the past, that spoke to the need for the work that has been going on, and as someone pointed out, that work has been going on for quite some time. But I think it might be useful to read some information into the record that we had a contract between NIPDEC and the Parliament on behalf of the State for the roof and ceiling restoration here. This was set up by a Letter of Intent for the first phase of the Red House restoration and adapted re-use, which was signed by the Clerk of the House on behalf of the Government, and the General Manager on behalf of NIPDEC on February 04, 2000.

In that context, the Ministry of Works and Transport was responsible for managing the project. The permanent works comprised roof and South Chamber ceiling repairs and purchase of slate and roof covering. Associated temporary works comprised relocation of users and erection of a temporary roof. I would assume that these users would have been the Parliament. The estimated construction cost was \$10 million, inclusive of VAT and the project was to be completed within nine months of the February 07, 2000 commencement date.

Madam President, it is important to note that this was February 2000, which was under another Executive group rather than this one, and it was an Executive group that was managed by the last speaker, the Leader of the Opposition in the Senate. It is quite interesting, I think we should note, one, that this was not being managed by the Senate; this was not being managed by the Parliament; this was being managed on behalf of the Government and the Ministry of Works and Transport. Second, the works in this phase continued until July 2004 when the Government agreed that the work should stop.

Roof repairs had been carried out in the South Chamber and the rotunda, but could not continue to the North Chamber with Parliament still in occupation here

and no suitable alternative accommodation was found. The South Chamber ceiling repairs had not commenced. NIPDEC had completed, as instructed, a design for the new plant room, an LPG storage facility for the Eternal Flame as well as the refurbishment of the vacant South Chamber and link, as a variation to the original agreement. Expenditure to July 2004 totalled \$14.3 million with VAT included, with a final cost projected at \$16.5 million. The temporary roof was relocated to the northern side of the building in December 2004 and a user brief completed in January 2005.

As a phase two, a contract between UDeCott and the Ministry of Public Administration and Information, on behalf of the State for completion of the Red House was put in place. The Letter of Intent was signed by the Permanent Secretary, Ministry of Public Administration and Information on behalf of the State on March 04, 2005. The estimated refurbishment cost, VAT inclusive, was \$175 million, inclusive of VAT, design and project management fees. The projected completion date was December 2010, which took into account the construction of the new Parliament building, prior to the northern side and rotunda being available for refurbishment.

In other words, we had a process and a programme of work. With suitable alternative accommodation for Parliament, a revised completion date of 2008 has been proposed by UDeCott. The design of the plant room was revised in accordance with the January 2005 user brief which was delivered under earlier orders and this facility was relocated from Abercromby Street to St. Vincent Street, et cetera.

Madam President, what I want to suggest, is that a process for treating with the building has occurred. The question of removing the Parliament, and so on, was treated quite differently. Earlier, it was pointed out—and I think it bears repeating—that on February 27, 2003, Cabinet agreed that UDeCott be mandated to, one, prepare in consultation with the committees of Parliament a user brief for a new Parliament building. There was no ignoring of the Parliament and no ignoring of the role of the committees, but we will come back to that.

3.30 p.m.

Madam President, the document continued:

"...proposals for the necessary site acquisitions. Cabinet also agreed that the User Brief was to be used by UDeCott as a basis to develop proposals for a national design competition for the new Parliament Building and a further submission would be made to Cabinet..."

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In reporting these User Briefs and the results of these acquisition processes and, of course, the proposition for building.

On July 15, 2004, Cabinet further:

“agreed that Government enter into a contract with UDeCott for the design and construction of the new Parliament Building, subject to Cabinet approval of the User Brief and site acquisition proposals and that the Clerk of the House issue a Letter of Intent to UDeCOTT to give effect to the above, pending execution of the formal Agreement.”

Again, the mechanism for management of that role included the House. The report continued:

"With assistance from the Canadian House of Commons, a draft User Brief *Celebrating the Past, Embracing the Future* was prepared in January 2005."

I heard it alluded to earlier in the debate.

"Therein it is noted that ‘consideration has been given to renovating and expanding the Red House to accommodate the evolving requirements of Parliament.”

I think we should note what the report concluded, because sometimes in speaking we gloss it over. Executive Summary page ii of that report says:

“Analysis points to the impossibility of meeting the requirements and to the danger of such an undertaking...”

That is referring to the Red House being expanded to accommodate the evolving requirements of Parliament. I am suggesting that this is the analysis by those who we gave the responsibility to look at this process.

"...such a large-scale renovation of the Red House could not be accomplished without devastating the important heritage value of the building."

That was the conclusion of the report to which we alluded.

“The following page makes reference to historic patterns in guiding site selection. ‘In particular, building on the past points to the future need to select a site for new Parliament buildings within the urban area of Port-of-Spain, along or near an axis that extends from Independence Square to the Savannah.’”

Madam President, it was important to put all that into the record because there is a seeming interest in demonizing the concept of the Executive doing anything

and, further, demonizing any action by the head of the Executive, whether in proposal or action. I think it is time we are sober and treat with matters as they are before us.

The reality is that what we have now cannot satisfy any of us. Like the Senator said, we come in here, some persons as tall as me, and where we sit is uncomfortable; it is inadequate. Regarding this building, we wonder as to whether we can change this structure to make it fitting for what we do; whether we can put in the required technology; whether the very structure can take the renovation and whether we can do it without despoiling the building, which can be used for other purposes, if left intact. These were pointed to in the report that we commissioned and by persons whom we trust—certainly some people seem not to trust the leader of this Executive or trust any professional from Trinidad and Tobago. Such toe bouncing, I do not understand.

The reality is that if we are going to service the people of Trinidad and Tobago with a Parliament that is effective, one that carries our interest, that allows the representation, consultations and practice of modern parliamentary democratic rules, systems and processes, where we are is not adequate for that. But more than that, the people's money commissioned the report that we did and the consultations came to a conclusion which suggest that we have to do things differently. What is the position of the Government?

Sen. Dr. Mc Kenzie: That is what I want to know.

Sen. The Hon. R. Dumas: The position is that the inadequacy has to be recognized; we cannot continue like this. We also suggested that we have to treat with the institutions set up even within the institutions we run. There is a House Committee of the Senate. There is a Parliament section named the House of Representatives. Whether we like it or not, there are three sections to the Parliament: the President, the Senate and the House of Representatives. Again, I come to the argument which says that maybe we can compromise our own House Committee. We can suggest that the issues of comfort, convenience, accommodation, et cetera, which should be treated by our own House Committee, we can compromise.

Our Standing Order says that no committee can delegate its activities. Since the House Committee is a Standing Committee, we have to be careful. We want to suggest that we can compromise our own House Committee, but we have to be careful how we pass a resolution or a motion that may be asking the other House to compromise the actions of their House Committee.

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Therefore, I suggest that the position we should take is to put in place a committee of this House. We recognize that the House Committee of the other House has already been working; we see the evidence here. Therefore, the recommendations of the committee we set up, in full conversation, debate, consultation and participation with all groups, can make its recommendations through the House available to the Speaker of the House. That would treat with our responsibilities and concerns, acknowledge the need for change and respect the House Committee of the Lower House as it exists.

Madam President, that would answer the questions of Senators being left out; that is not the intention of the Government; we are Senators also; but that will treat with the concept of consensus building and participation. It will treat with the argument which says that the Executive is attempting to so expand as to take over the Parliament. That would treat with all such concerns, allowing us to recognize that the other House may want to follow other procedures.

When we are cautious, careful and very protective of our own reach, the length of our own arms and how we perceive of persons trampling and all the other nice words we use, we also have to be careful how we exercise it in another direction. You would know, as students of history, how Parliaments have developed; why we ended up with three sections to the Parliament and how we have to be careful of the President in his action, practically embodying the concept of monarchy in this present situation. You would also know how the Senate and the House of Representatives, in its own right, have evolved. If we want to maintain that consciousness and the dignity of each corner, then maybe we have to be careful how we just seek to give them orders. [*Crosstalk*]

I cannot do as well as Sen. Dr. Mc Kenzie did in identifying the problems. She has always been a better dramatist than myself. She has always been a more articulate person than myself. She has always been a leader in the discussions of public affairs, so I would take my secondary role and say that I support everything she had to say about those things. Of course, we have some other things to say, because as Ministers, you come to the Senate and you would like to do other things; you would like to have certain support and we know the technology is inadequate.

Let me just give an example of what I am saying. We got some nice statements from Sen. Mark about what happens in New Zealand, Canada and so on. I have two pieces of paper that I also got from the Internet. I will just talk about this one, because he pushed us in a certain direction where process and end are concerned. I do not want to suggest that Sen. Mark was misleading the

Senate, but I want to suggest that maybe he did not read all the papers he could have read about how New Zealand looked at its design and architectural changes, how it restructured its House and so on. I have a document in my hand that talks about the history of Parliament buildings, how they developed, the question of how architects were sourced and who did what. I will read this part.

This is New Zealand; this is not Trinidad and Tobago.

"In 1961, the Ministry of Works produced a proposal it deemed to be both 'architecturally desirable because it is contemporary' and 'in harmony with the existing Parliament Buildings'."

Then it goes on to describe how they proceeded with that. It goes further to say:

"A special ministerial committee was convened in 1963 to consider the completion of Parliament Buildings."

In other jurisdictions, in other parliamentary systems, the government as executive played a critical part both in design and procuring work and in construction and development of the parliamentary buildings. I want to suggest that there is nothing in the parliamentary tradition that debars the Executive and the arms of the Executive from playing the roles that they are designed to play. Therefore, agencies of the State that are under the management of the Executive, because of the capacity they have, because of the experience they have and the reach they could have, because of their capacity to deliver quickly on the changes needed and appropriately, there is nothing wrong with pressing them into service for the larger benefit of the country; even where the Parliament is concerned.

We come to the Canadian system, which was also called out for us. Again, if we examine this, a competition was organized to find suitable architects, et cetera. I want to suggest that nothing that was proposed by this Executive was outside of the experience of the parliamentary experience internationally. There are a few things that are clear. One, that this Government must continue in the activity of looking at this Parliament; it has continued to play its part in making available the funding required; has followed the conventions and practice of how we treat with the matter of fixing the Parliament, if you want to put it that way, in line with the larger vision that the Parliament should be a symbolic organization, a functional organization, an establishment and a piece of architecture, but also a mobilizing piece of architecture and an institution that is in development, so that we ought also to go in the direction of finding a modern building.

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We went further than that; we called in consultants from across the world. We thought that Canada was able and respectable. They have concluded for us that to attempt to take this building and do what we think we want to, creating a contemporary, useful, appropriate Chamber or appropriate set of parliamentary structures here, is inappropriate and ill-advised. They have indicated along which axis we should build in the development of this modern capital of Port of Spain.

Therefore, the proposal to build a new Parliament, along with Government's own drive to create suitable accommodation for government activity, whether in the Parliament, in the new campus being built or in the local government bodies of those 14 corporations across the country that we have agreed on, in all these elements, creating greater comfort for the ones who give service as for the ones who seek service in them, creating a right set of possibilities for the citizenry, the Government has done all that can be asked of us.

We hear about the one which says that there is a consultative process that people will like to see; a Senator has brought this to the Senate. We are suggesting that we are willing to agree that such a consultative process is useful and desirable and that a committee can be set up; where we differ is what type of committee. We have a disagreement of the concept of a joint select committee. We are suggesting that the Senate can select its committee which can be as consultative and participatory as possible.

Of course, as it comes to the recommendations, they can be made available to the Speaker who is head of the committee in the House of Representatives. That would violate no principle; it would serve all the functions set up and also leave us without impinging on the arms, feet or toes of anybody else.

Thank you, Madam President.

Sen. Prof. Kenneth Ramchand: Madam President, it is with reluctance that I rise to speak on this Motion. The Motion asks that this Senate appoint a committee to sit jointly with a committee of the House of Representatives to assess the adequacy of the building that houses the Parliament and that this committee should report its recommendation to the Senate within six months. I am reluctant to speak because I do not think that this is a matter which really needed a debate. I think the Government should have welcomed the call for a proper discussion involving the national community and the Parliament. [*Desk thumping*]

Sen. Dumas: Have we not?

Sen. Prof. K. Ramchand: The Motion does not ask us whether the Parliament should be removed from the Red House or not. It does not ask us to debate whether the Parliament should be relocated. It does not ask us to debate what use should be made of the Red House if Parliament is relocated; none of these things. The Motion does not have an opinion. It asks us to equip ourselves to form an opinion. It recognizes that the building is inadequate, but it does not say, "Get a new building." It does not say, "Fix up the present building." It just says, "The thing is obviously inadequate; let us measure the inadequacy and discover what we should do about it."

The Motion asks that we just take a rational approach and assess the adequacy of the building that houses the Parliament. It asks for wide consultation with the citizens of Trinidad and Tobago. It asks for a technical and scholarly survey of the documents that exist, which may be relevant to our assessing the adequacy of the building. The Motion has the merit of bringing legitimacy to the discourse on the subject and to any decisions that might have been taken. It asks that the report of the proposed committee be brought to Parliament for debate and eventual acceptance; a wonderful opportunity for everybody to clean up their acts and arrive at a consensus legitimized by the Parliament.

There is a strategic plan that has been produced for the office of the Parliament. In section 6(4), the consultants recommend exactly what Sen. Dr. Mc Kenzie has asked us. The plan is called "Strategic Plan for the Office of the Parliament of the Republic of Trinidad and Tobago, 2006-2010". Section 6(4) discusses physical space:

"There needs to be a decision on the location of the Parliament given the special and infrastructural requirements for its optimal operation. This is a decision that must be made in collaboration with Parliamentarians and moreover with consideration for the sentiments of the public..."

It will be important to take an evidenced-based approach to this issue..."

A strategic plan which I think the Government has accepted. It is calling for the kind of rational procedure that Sen. Dr. Mc Kenzie's Motion calls for.

On the face of it, this is a Motion asking us to find out what we should do to provide the space and facilities to allow Parliament to conduct the people's business. It has what I consider to be a more important dimension. It is a Motion that addresses, in a non-combative way, the central issues regarding governance, including the adherence to legitimate process.

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The Motion raises questions like: What is or ought to be the relationship between government and people? What is or ought to be the relationship between the Executive and the Parliament? When one government goes out of office, should things that were approved by that government and passed in Parliament be simply ignored? What continuity can we have when one government succeeds another? Are we going to have the cry, "That was them; we are coming with our own thing"? So everybody reinventing. What provision do we make for continuity? It seems to me that Parliament is bigger than the political parties, so if Parliament has made a decision, then a succeeding government ought to respect that decision. If it does not, it has to come back to the Parliament and persuade the Parliament to change it. [*Interruption*] You have agreed, but you have not done it. The time has been right for years.

Sen. Dr. Saith: The time is not right yet.

Sen. Prof. K. Ramchand: I have to put it bluntly, because I thought the Government would have been smart enough to accept the Motion and send us home early. [*Crosstalk*]

Sen. Dumas: I take offence to that.

Sen. Prof. K. Ramchand: Should I rephrase it? I had hoped and dreamed that the Government would have accepted the Motion and we would not have gotten into any kind of heated debate, because it is really such a harmless Motion. I hope that is acceptable to the Member. [*Crosstalk*]

Hon. Senator: You are producing the heat.

Sen. Prof. K. Ramchand: There were signs in 2002 and afterwards, that decisions had been taken and proposals made concerning the Parliament. These decisions and proposals have the appearance of not having followed due process. I want to demonstrate what I mean by looking at four sets of documents. The first of these is a debate in the House of Representatives in 1997 on a motion standing in the name of the then Attorney General, Ramesh Lawrence Maharaj. This is the *Hansard*. I am quoting from page 852 where the AG at the time was introducing the motion. He said:

"You would recall the House Committee had discussions with you and several meetings with the relevant ministries. The restoration of the Red House had to be effected and the House Committee was adamant that the restoration of the Red House was important. Strong representations were made and it was hoped that the Government would effect the restoration."

Mr. Maharaj was quoting. "Paragraph 10 of the report states:

"The House Committee is of the firm view that for the proper functioning of the Parliament, the restored Red House should be dedicated to the sole use of the Parliament of the Republic of Trinidad and Tobago and that all other Departments and Government Ministries currently based at the Red House should be suitably relocated."

That was part of the Motion before the Parliament which was put to the House. That was the Motion that the House accepted with no resistance or opposition from the Opposition party at the time. The one Opposition speaker in that debate was the current Speaker of the House of Representatives, Mr. Sinanan, who was an ordinary Member of Parliament at the time. He assumed that it was okay, that it was going to be done. He was happy it was going to be done and he just raised a question of the material in the Registrar General's Office to make sure it was not destroyed, damaged or lost in the process.

That Motion came to the Parliament in 1997 in a proper way. *[Interruption]*

Madam President: You go ahead.

Sen. Prof. K. Ramchand: They want to say that I am being irrelevant. A "googlie" is not irrelevant.

Yes, thank you, Madam President. That Motion came to the House following due process. Standing Order 74 of the House of Representatives gives the House Committee the authority, power and privilege to see to things like the refurbishment of the Parliament. The House Committee has to make a recommendation to the Speaker. If the Speaker agrees with it and supports it, he has to take it to the Cabinet. When he takes it to Cabinet, the Cabinet brings it to the Parliament. It is a very obvious and easy process; anybody can follow it. That was the process followed in this case; so the decision was arrived at legitimately and according to the proper and accepted process.

Madam President, the only way that decision of 1997 can be reversed or rescinded is for the Government to come back to Parliament with a motion removing it and putting something in its place. Only Parliament can reverse or rescind a decision of Parliament.

Sen. Dumas: Has it been reversed?

Sen. Prof. K. Ramchand: So far, I have not seen that and month after month I ask Sen. Dr. Saith, "When are you bringing the legislation?" He tells me, "Don't worry, we will bring it at the appropriate time." [*Interruption*]

Sen. Dr. Saith: Madam President, I think the Senator has to understand that the Resolution was passed on the recommendation of the House Committee. When the House Committee considers it appropriate to make recommendations to change it, it will do so. I have had no complaint from the House Committee so far. When they are deliberating, they have their meetings; they continue to meet. At some point in time, the House Committee will come to some decision and, at that time, it will be brought to the Parliament. It is a function of the House Committee.

Sen. Prof. K. Ramchand: Thank you. I am not satisfied with that. [*Interruption*]

Sen. Jeremie: On a point of clarification. I do not wish to be contentious, but you made a statement which is not correct. You said that a resolution of the House Committee binds the Parliament until another decision of the House Committee reverses it. When one Parliament dies, that is the end of the matter; so that decisions made by the committees die. It is not like legislation, which continues to live. If you have another decision of a House Committee which says, "Well, this is the position going forward," then that is okay, but for that Parliament which died in 2000, you cannot say that a decision made by a House Committee then, binds this Parliament now. As a matter of fact, you would be offended, if you turned the roles around, if we were affected and our hands were bound, not by legislation, but by policy decisions taken by a differently comprised committee of Parliament.

Sen. Prof. K. Ramchand: Thank you. The matter will have to be argued, but what I really said was that the House Committee made recommendations to the Speaker, who took those recommendations to the Cabinet, who then brought a motion to Parliament to accept the report of the House Committee. It was then a motion of Parliament that accepted the House Committee; that is where I would stand in the argument. Of course, we can argue about it afterwards; I mean I would not really take a chance of arguing with Senior Counsel in Parliament; but I am sticking to my guns; the report of the House Committee was accepted by the Parliament. It was a decision of the Parliament, not a decision of the House Committee. [*Crosstalk*]

Madam President, the next document I want to refer to, which really is the thing that started the stirring up of problems, is a report of the House Committee of the House of Representatives, December 6, 1996. [*Interruption*] I did not mark it. I cannot find it, but I know what it said. It said that in Minute No. 3 it was reported that Mr. Manning was proposing to the House Committee that the Red House be renovated and made the office of the Prime Minister. That is there in the minutes. It was after 1997; it was in 2000. Mr. Ramesh Lawrence Maharaj replied to Mr. Manning that the government had already taken a decision on this subject. I found the document:

"The Chairman thanked Mr. Manning for his contribution. He explained that very early in his administration, the current Government had agreed that the Red House should be restored and dedicated to the sole use of the Parliament of Trinidad and Tobago. He therefore advised Mr. Patrick Manning to hold discussions on the matter with the Prime Minister, insofar as policy decision of such significance cannot be determined by the House Committee."

Let me give you the exact date of that meeting:

"...House Committee of the House of Representatives (2001 Session) Held On July 20, 2001..."

It is interesting to notice that Mr. Ganga Singh thought that the suggestion was worthy of consideration.

Sen. Dr. Saith: What suggestion?

Sen. Prof. K. Ramchand: That the Red House should be restored and reserved for the office of the Prime Minister. Mr. Carlos John expressed the view that, as a matter of urgency, restoration...should be pursued, even while questions of its final use are being deliberated on.

In my opinion, the Chairman of that meeting should have called him to order and said, "Yes, the House Committee can change its recommendations, but if we wish to do so, we will have to make a new set of recommendations and send them to the Speaker, who will then take them to the Cabinet, who will then send them back to Parliament." That is what he should have done.

At any rate, when Mr. John made his suggestion, Minute 3.5 said that "The Committee agreed with the view expressed by Mr. John", that is, "Let us get on with the renovation and if we want to change our recommendations later on, we

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would do it, but then we would be there to tell them how they should do it." They could not just do that; they were supposed to take it to the Speaker who would take it to the Cabinet, who would take it to the Parliament. This really was the beginning of a whole set of problems relating to the relocation of the Parliament.

I want now to refer to two Cabinet minutes. One of them was to the effect that Parliament was to be relocated. The other one was to the effect that the Red House was to be used for the office of the Prime Minister. If I have it wrong, *[Interruption]* I do not have copies of the Cabinet minutes. I would really have to see the Cabinet minutes with my own eyes, because the press has reported these Cabinet decisions and I have an abstract given to me by somebody who ought to know.

"Cabinet decision dated February 27, 2003: New Parliament building to be built.

Cabinet decision dated October 23, 2003: Red House designated to the Office of the Prime Minister."

If the minutes are different, I would like to hear them in full.

Sen. Dr. Saith: *[Inaudible]*

Sen. Prof. K. Ramchand: In the annual report of the Ministry of Public Administration and Information covering October 2004 to September 2005, on page 86:

"Work Programme Deliverables, Properties and Real Estate, Red House Restoration an Approved Design Brief for the Office of the Prime Minister'. Design brief for the restored Red House completed by Nipdec and approved by OPM...draft contract to be submitted by UDeCott."

I would like to see that approved design brief, because that would then tell us whether the office was one little office for the Prime Minister or whether the whole Red House was being redesigned for the Prime Minister's Office. *[Interruption]*

Sen. Dr. Saith: Madam President, this is about the third time this afternoon. I have indicated that one of the responsibilities of the Property and Real Estate Division of the Ministry is to find accommodation for ministries. We do it for all ministries, including the Office of the Prime Minister. So when a ministry comes and says, "I would like to have accommodation," it is our job to find that accommodation, either by renting, building or whatever it is. I have not denied

that the Ministry is looking for office accommodation for the Prime Minister in the Red House. I am denying that there is some Cabinet decision to do this and that it is being done in a clandestine manner. It is not. Yes, a brief is being prepared.

As far as I am aware, it is for part of the Red House, but when it is completed, and it is not, he will be made aware. That is the point I want to make to the hon. Senator. At some point in time, the House Committee, having seen all the reports, including the report from the Canadian consultants, who have said that this building was not suitable for a new Parliament and that we should not consider putting a new Parliament here, having considered that, would have surely come back to whatever process was there, to say to the House that, "We have considered all the reports and in the light of this we are suggesting the following take place in respect of this." But in the meantime, we are renovating the Red House and, yes, we are looking at if we renovate it, what portion of it should be made available for offices.

As far as I understand, because I am not on a day-to-day, there is the concept of creating a museum in part of it. There are a number of ideas floating around, but I want to get to the hon. Senator that nothing illegal is taking place and there is a process and that process will be followed. The difference between the Senator and myself, is the timing; that is all.

Sen. Prof. K. Ramchand: The timing is very important. The hon. Minister is telling us that before the House Committee makes its proposal to the Speaker, who takes it to the Cabinet that brings it to the Parliament for approval, they are going ahead and presuming that when the House Committee makes its proposals, they would be accepted. Suppose they are not accepted? How can you commit all that money to that kind of work? [*Crosstalk*]

Sen. Dumas: The Red House must be fixed.

Sen. Prof. K. Ramchand: The Red House does not have to be done in the way it is being done. The Red House has to be restored and renovated according to the decision of the Parliament in 1997. If the House Committee wants to change that, it should come here and change it. It should get the Speaker to give it to the Cabinet to bring it here to change it. They cannot just go ahead assuming that they are there forever and that Parliament would continue to be a rubber stamp. [*Interruption*]

Sen. Dr. Saith: I am very grateful to the Senator for giving way. The renovation and restoration of the Red House has nothing to do with the use to which it would be put. You are renovating and repairing. You are fixing the roof. You are renovating the walls. If the Prime Minister's Office is to be here for part of it, if this Chamber, for instance, is to be a museum, we are doing the layouts, but we will not spend any money until the decision is taken to do it. I am assuming that if you are a member of the House Committee and you have conclusive reports telling you that this is not the place for a new Parliament, you will not insist on putting the new Parliament here, as a responsible parliamentarian.

Sen. Prof. K. Ramchand: Thank you. I still find it anomalous that action could be taken on the presumption that Parliament would approve the changes in the plans that were previously approved. True, you have to fix the roof; true, you have to restore certain parts, but how you dispose of this space is part of the restoration.

Sen. Dr. Saith: No.

Sen. Prof. K. Ramchand: You cannot restore and renovate unless you know what you are going to do with the thing. [*Crosstalk*] We will leave it there, because, obviously, I am sorry this debate is taking place, because Sen. Dr. McKenzie is simply saying, "Let us find out what we should do." [*Crosstalk*]

Madam President: Can I have some quiet, please.

Sen. Prof. K. Ramchand: I want to come now to this document in two parts, which is being spoken about as authoritative and conclusive. I have looked at those documents; they are very important; they ought to be part of a discussion about what we should do. I do not regard them as authoritative and conclusive. I think there are people who would have alternative suggestions to make. Once those documents are part of the documents to be examined by the Joint Select Committee, that is fine. Do not tell me that the House Committee is the body to do that. The House Committee may recommend it, but I feel that we are consultants too. You are bringing Canadian consultants to create an authoritative document for you. We, the people of Trinidad and Tobago, should be consulted. The Parliament of Trinidad and Tobago should be consulted.

I have looked at this document. Part I is called "Celebrating the Past Embracing the Future: Historical Research". There is no original research in that document. There is no original thinking in that document. It is a competent résumé of some of the established facts about the Red House. If that document

had come to me, I would assume that it was a Caribbean studies thesis by a third-year student of the University of the West Indies and I would have given it somewhere between an A-minus and a B-plus. It is a competent rehash of some of the facts that are known. It is not a major work. I do not know how much we paid for it, but I could have gotten a third-year student to do it. It has one good conclusion.

On page 1 of this thing, do you know what it says?

"In 1498, the island of Trinidad and Tobago was named by Christopher Columbus, who claimed it on behalf of the Spanish Crown. The name derives from the three peaks overlooking the harbour at the present site of Port of Spain, signifying the Holy Trinity of the Christian faith."

That is the nonsense that this report begins with; that is page 1. It really is an undergraduate performance. It does not have authority and conclusiveness, but it does recognize the importance of the Red House and it has an appearance of being rational by saying whatever we do, we have to preserve the Red House. I agree with that, but the real needle or injection comes in Part II. Part II is subtitled "Development of the Parliament Buildings: Vision and Requirements."

I would just like the Government to set up the Joint Select Committee and then we could go into a thorough analysis of this. I am not going to rip it up as I can; I can. I can show that this is wrong, but I am not going to do that. Some of its premises are wrong; it has an assumption that our Parliament must be located in Port of Spain. It has an assumption that the present system of government would remain and that we may not opt, at a later stage, to set up a whole set of house of assemblies on the Tobago model throughout Trinidad and Tobago, with a central Parliament meeting two or three times a year.

It assumes that the present system will continue. [*Crosstalk*] If we decentralize properly and improve local government, then you will not need a massive Parliament here. It is an assumption and they are talking constitutional reform; that is an open issue, as far as I am concerned. What pattern of government are we going to devise?

Thirdly, there is a very naive belief in this document that there are places in Trinidad where traffic will not get in your way and where you can find parking. This country has more motor cars than it can handle and nothing you do, except making it as hard to get a car as it is to get a gun—[*Interruption*]

Sen. Sahadeo: What kind of analogy is that?

Sen. Prof. K. Ramchand: That is a perfect analogy.

Madam President: Come back to the Motion, please.

Sen. Prof. K. Ramchand: I do not know how many persons are killed with cars as compared to guns. Cars are murder weapons. I am not really going to go into attacking this document here and now.

Sen. Dr. Saith: When the committee is set up.

Sen. Prof. K. Ramchand: Yes, indeed; we would analyze then. I would not even attack it, because there are some good things in it. It can help us to arrive at conclusions about what we could do.

There is something very alarming in the document. If you look at the Foreword, which is signed by the hon. President of the Senate and the hon. Speaker of the House of Representatives, the tone of it suggests that decisions have been taken.

Sen. Dr. Saith: Not by us. [*Interruption*]

Sen. Prof. K. Ramchand: The reading tone?

"This report confirms the acute limitations of the Red House and its site to accommodate our future requirements. As we move ahead to house our evolving, modern Parliament, the importance of the Red House will be remembered and respected."

The implication of that clearly is that somebody decided they were going to have a new Parliament and we were going to respect the Red House. [*Laughter*]

I am just reading from this. [*Crosstalk*] I know when you all make speeches, you all do not write them sometimes. I cannot say that it is the hon. President of the Senate who wrote the speech, but she signed it.

The document continues:

"Moreover, once new facilities are in place and Parliament moves to its new home, the Red House will be preserved and set aside for a use that is worthy of its history."

This foreword is signed by the hon. Speaker of the House and the hon. President of the Senate.

Sen. Dr. Saith: Who is in charge?

Sen. Prof. K. Ramchand: I do not care who is in charge—I do care who is in charge. It says very clearly that we will be getting a new Parliament and the Red House will be preserved. How could the hon. Speaker of the House of Representatives and hon. President of the Senate sign a document like that?

Sen. Dumas: Because it makes sense.

Sen. Prof. K. Ramchand: We are going to impeach them? What are we going to do about them? If it is not true that there was a decision, then they should be in serious trouble. Sen. Dr. Gopeesingh is a man who knows how to deal with people who are in trouble; maybe he should get up and deal with them. [Crosstalk]

With all due respect, a number of documents have emerged which give the impression of an air of illegitimacy about many of the proposals and documents. I cited four of them; this is why I feel that the Government should accept the Senator's Motion, because it will remove a lot of the suspicion and fear and, maybe, paranoia about the process that is going on. [Interruption]

Sen. Jeremie: I think so too.

Sen. Prof. K. Ramchand: You think so too? I am not a paranoiac man. I am trying to be very reasonable. I could hit harder than that, but I am just blocking and because I do not want to jeopardize the Senator's Motion. I would really like the setting up of a Joint Select Committee.

I would really like to know. For instance, on page 78 you see:

"Groups Involved in the Project"

Working group, steering committee, House Committee. Well, I am a Member of Parliament. I read the newspapers; sometimes I watch the television. I do not know when the working group was set up. I do not know who set them up.

The process here was that the working group did its thing and sent it to the Steering Committee. The Steering Committee sent it to the House Committee. The House Committee was responsible for the review of the recommendations and for final approval of all submissions before adopting the vision and requirements for parliamentary facilities. Hear it again. On page 80 we are told:

"The House Committee was responsible for the review of recommendations from the Steering Committee and for final approval of all submissions before adopting the vision and requirements for parliamentary facilities."

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What does this mean? Does it mean that the House Committee can say, "Right, this is it; this is what we are doing."? No; the House Committee has to say, "These are the recommendations we are taking to the Speaker." This document tells us that the recommendations were taken to the Prime Minister; there is nothing about it having gone to the Speaker. It was presented to the Prime Minister. [*Crosstalk*] The Prime Minister is not part of that process. The House Committee reports its recommendations to the Speaker. The Speaker reports to the Cabinet; the Cabinet sends it to Parliament, and here, boldly, we are being told that was not done.

So if you examine those documents, you can see that this really is a wonderful opportunity for all of us to work on a joint select committee that would make whatever decisions we make about the Red House and the Parliament, a decision of the people of Trinidad and Tobago.

Thank you, Madam President.

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I will not be long. I merely wanted to indicate after the contribution of Sen. Dumas what our recommendations are for the Motion. I cannot help but say that listening to Sen. Prof. Ramchand, I recognize that when emotion gets the better of you, logic goes out the room.

We are proposing that the Motion reads as follows:

"Be it resolved that this House appoints a committee to sit with a view to planning for the long-term accommodation of Parliament and reports its recommendation to this House within six months."

We say "House appoints a committee". We are deleting the words "jointly with the House of Representatives," because as we indicated, there is a problem that the House of Representatives already has its committee and we cannot demand that we do it jointly. So we are recommending that the House appoint a committee to sit with a view of planning for the long-term accommodation of Parliament and to report its recommendations to this House within six months.

The second line would be:

"And be it further resolved that the committee"

Not "Joint Select":

"be empowered to send for persons, papers, records and sit from place to place."

That is the amendment we are proposing, Madam President. [*Interruption*]

Sen. Dr. Mc Kenzie: Madam President, the Leader of Government Business has spoken to me and I am thinking about it. It is now tea time; I think we could go for tea and by the time we get back we could finally decide. I am reluctantly accepting; I would say it like that. I thought the hon. Leader would have given more explanation. The joining of a Senate committee with a House committee, as Sen. Dumas was trying to explain, was not lucid enough, especially to all of us. I thought he would have given a more detailed explanation. I am suggesting that we break for tea and come back for a little time, just to do this.

Madam President: Do you want to continue?

Sen. Dr. The Hon. L. Saith: No, I have made my point and sat down. When we come back from tea, the Attorney General will, in fact, expand. I thought Sen. Dumas had made it quite clear. [*Crosstalk*]

Madam President: Senators, we will take the tea break now. This House is suspended until 5.05 p.m.

4.33 p.m.: *Sitting suspended.*

5.07 p.m.: *Sitting resumed.*

Madam President: Hon. Senators, I am just waiting for a few minutes. Hon. Attorney General are you ready?

Sen. Jeremie: No, Madam President—[*Inaudible*]

Madam President: Senators, you may be wondering why the delay, but there is a little matter that we are trying to clarify before the Attorney General speaks.

Sen. Jeremie: Madam President, may I suggest that we take 10 minutes because it might obviate the need for a prolonged debate. That is what we are seeking to do, to see whether or not we can find some common ground which would—

Madam President: So you want me to suspend for 10 minutes?

Sen. Jeremie: Yes.

Madam President: Okay.

5.10 p.m.: *Sitting suspended.*

5.20 p.m.: *Sitting resumed.*

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ADJOURNMENT

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate be now adjourned to Tuesday, December 05, 2006 at 1.30 p.m., at which time we will debate the Bill to amend the law relating to the minimum age for admission to employment in Trinidad and Tobago, and assuming we have an agreement on the motion, we may also finish it.

Sen. Mark: Madam President, there are two Motions on the Adjournment; one in the name of Sen. Dr. Tim Gopeesingh and my good self, but we have agreed with the Leader of Government Business that at the next sitting of the Senate we shall deal with both at the end of the session.

Sen. Dr. Gopeesingh: Madam President, I waived it because I understand that the Minister of Health is not here and, therefore, we will consider it next week.

Madam President: All right.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.26 p.m.