

SENATE*Tuesday, February 26, 2008*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**PAPERS LAID**

1. The Civil Aviation [(No. 1) General Application and Personnel Licensing] (Amdt.) (No. 2) Regulations, 2007. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
2. The Civil Aviation [(No. 2) Operations] (Amdt.) (No. 2) Regulations, 2007. [*Sen. The Hon. C. Enill*]
3. The Civil Aviation [(No. 3) Air Operator Certification and Administration] (Amdt.) (No. 2) Regulations, 2007. [*Sen. The Hon. C. Enill*]
4. The Civil Aviation [(No. 5) Airworthiness] (Amdt.) (No. 2) Regulations, 2007. [*Sen. The Hon. C. Enill*]
5. The Civil Aviation [(No. 7) Instruments and Equipment] (Amdt.) (No. 2) Regulations, 2007. [*Sen. The Hon. C. Enill*]
6. The Civil Aviation [(No. 9) Aviation Training Organization] (Amdt.) Regulations, 2007. [*Sen. The Hon. C. Enill*]
7. The Civil Aviation [(No. 10) Foreign Operator] (Amdt.) Regulations, 2007. [*Sen. The Hon. C. Enill*]
8. The Civil Aviation [(No. 12) Aerodrome Licensing] (Amdt.) (No. 2) Regulations, 2007. [*Sen. The Hon. C. Enill*]

Civil Aviation Regulations

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): May I also advise that the Statutory Instruments Committee considered these regulations and found that there was nothing to which the attention of the Senate should be specially drawn. The Minutes of the Committee were circulated to Members.

9. The National Insurance (Contribution) (Amdt.) Regulations, 2008. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
10. The National Insurance (Benefits) (Amdt.) Regulations, 2008. [*Sen. The Hon. M. Browne*]

11. The National Insurance (Medical Expenses) (Amdt.) Regulations, 2008. [Sen. The Hon. M. Browne]
12. The National Insurance (Prescribed Diseases) (Amdt.) Regulations, 2008. [Sen. The Hon. M. Browne]

National Insurance Regulations

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): May I also advise that the Statutory Instruments Committee considered these regulations and found that there was nothing to which the attention of the Senate should be specially drawn. The Minutes of the Committee were circulated to Members.

ORAL ANSWERS TO QUESTIONS

Licensing Authority (Computerization of)

4. Sen. Wade Mark asked the hon. Minister of Works and Transport:

Would the Minister inform this Senate when the Licensing Authority will be fully computerized in order to bring relief to the drivers of this country and particularly to protect against any fraudulent activities within the Authority?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, there is nothing new to report on this particular matter. The answer to the question is still not ready.

Question, by leave, deferred.

Former Senator, Joan Yuille-Williams (Accommodation at Trinidad Hilton, 2002—2007)

6. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

- i. The total cost of hotel accommodation and meals expended in Trinidad and Tobago to accommodate the former Minister, Sen. The Hon. Joan Yuille-Williams at the Trinidad Hilton during her term as Minister, viz.; 2002—2007?
- ii. Whether all Ministers, similarly circumstanced are entitled to the same facility as the former Minister?

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): In response to question No. 6 posed by Sen. Wade Mark, I now wish to advise as follows:

The last report of the Salaries Review Commission, which was laid in and accepted by this honourable Senate, clearly delineated the terms and conditions associated with the employment of Ministers in the Government of Trinidad and Tobago, as well as all Members of Parliament.

With respect to the remuneration entitlements of Government Ministers, the Salaries Review Commission under the rubric Subsistence Allowance Part II, noted and I quote:

"Entitlement to the cost of accommodation and meals in the event that the office holder is required to stay overnight, as a result of late sittings of Parliament, provided that he or she resides beyond a radius of 16 kilometres from Port of Spain."

Mrs. Joan Yuille-Williams was appointed to serve as a Senator and Minister of Community Development, Culture and Gender Affairs during the five-year period October 15, 2002 to November 07, 2007, and she was also appointed to act as Prime Minister on several occasions during that period. During her term in office, Sen. the Hon. Joan Yuille-Williams maintained a private residence in San Fernando, which is located considerably further than 16 kilometres from Port of Spain.

The former Minister was accommodated at the Trinidad Hilton on occasions when she acted as Prime Minister and maintained her normal ministerial portfolio. Similarly, when sittings of the Senate went very late into the night, as occurs during budget debates, for example, she was also accommodated at the Trinidad Hilton.

Mr. President, I am advised that the total cost of accommodation and meals expended to accommodate the former Minister at the Trinidad Hilton during the five-year period, October 15, 2002 to November 07, 2007 was \$75,661.55. Of this sum a total of \$43,911.57 was spent to accommodate her during several periods when she was appointed to act as Prime Minister. When the total sum is disaggregated over the five-year period, it works out to be \$15,132.31 per year.

With respect to part ii of the question, I give this honourable Senate the assurance that any Minister similarly circumstanced will be accorded the same entitlements as delineated by the Salaries Review Commission and approved by this honourable Senate.

Thank you.

Sen. Mark: Mr. President, through you, could the hon. Minister indicate whether she is aware that as of June 2004 there was a sum of \$156,000 expended by the hon. Minister at that time? Are you aware of that?

Hon. M. Mc Donald: Mr. President, through you, I am unaware of that which Sen. Mark has just mentioned.

Sen. Mark: Mr. President, through you, could the hon. Minister indicate to this Senate on how many occasions—based on what she has submitted—did the special subsistence provision as provided in the Salaries Review Commission Report kick in, in terms of accommodating and facilitating the needs of the hon. Minister at the time I have asked.

Hon. M. Mc Donald: Mr. President, that will form the basis of a new question, and once posed I will respond to it. Thank you.

Sen. Mark: Mr. President, you must guide me as to whether Ministers have the authority to tell you and this honourable Parliament whether they will answer a question or not. I thought that was within your prerogative, Sir. I would like your ruling on this matter, because this is a pattern that is developing and I think you need to really give a ruling on these matters. But before you do so—*[Laughter]*—I just want to indicate, through you, to the hon. Minister, whether she is prepared, based on evidential documentation on the sums of money that were expended by this hon. Minister up to June 2004, which amounted to over \$156,000—

Mr. President: Senator, I do not think that we should go there because at this point, what you are doing in fact, is challenging the veracity of the statement just made by the Minister. Now you asked a supplemental question, that rather presumes with the facts when you say, "Are you aware". In fact, there is the presumption with the facts that you are saying are in fact true and indeed, you bear the responsibility for the veracity of that statement. I do not think that we need to go there this afternoon, that is another matter. The Minister has made her answer.

Insofar as whether the supplemental forms the issue of a new question as you indicate, falls within the purview of the President and not either the person asking or receiving the question, if a Minister is unable to answer a supplemental or does not have the information, that is no disgrace. I think that Ministers will be well advised to simply say, "I do not have that information as it was not included as part of the original question" and we can move on from that point. Very well? Question No. 8, Sen. Mark.

Sen. Mark: I thought you wanted to ask a question.

Sen. Prof. Deosaran: Well not a question, but I have question No. 32, which is due about a week now. I was wondering whether the Senate could have the courtesy of an explanation from the hon. Minister, at least.

Mr. President: Senator, let us do question No. 8.

**Trinidad and Tobago Fire Service
(Details of)**

8. Sen. Wade Mark asked the hon. Minister of National Security:

Would the Minister inform this Senate:

- i. whether the Fire Service of Trinidad and Tobago is sufficiently equipped to combat fires in high-rise buildings now being constructed in Port of Spain and environs and San Fernando?
- ii. if the answer to (i) is in the affirmative, would the hon. Minister inform this Senate of the type of equipment provided to the Fire Service?
- iii. if the answer to (i) is in the negative, would the hon. Minister state what steps are intended to remedy the situation?

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, hon. Senators, at the last sitting I had given the assurance that I would have had the answer to question No. 8 at today's sitting. Unfortunately, I am not in a position to answer that question at this time. I am sorry.

Sen. Mark: Mr. President, may I ask the hon. Minister, through you, when would he be in a position to answer the question, Sir?

Sen. The Hon. M. Joseph: Mr. President, I had indicated at the last sitting that I would have certainly been in a position to answer the question at today's sitting and I am not in a position to do so. I hope that I would be in a position to answer that question some time in the not too foreseeable future.

Hon. Senator: Not too distant.

Sen. The Hon. M. Joseph: —distant future. [*Crosstalk*] I am serious.

Question, by leave, deferred.

Mr. President: Let us move on to question No. 11, Sen. Mark.

Tertiary Education
(Grant of Financial Assistance/Scholarship)

11. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

- A. Could the Minister inform the Senate whether her Ministry has provided financial assistance or awarded scholarships to persons desirous of pursuing studies at universities in Trinidad and Tobago, the Caribbean region and/or internationally?
- B. If the answer is in the affirmative, will the Minister provide this Senate with the following information:
 - i) a list of the names of persons who have benefitted from such assistance for the period 2002 to December 2007;
 - ii) the amount of financial assistance provided to each person; and
 - iii) the names of the institutions involved?

The Minister of Community Development, Culture and Gender Affairs (Hon. Marlene Mc Donald): Mr. President, questions Nos. 11, 13, 14, 15 and 16, all posed by Sen. Wade Mark, I could assure this Senate that within two weeks all questions would be answered. I know that my staff at the Ministry is assiduously working on the responses. [*Crosstalk*] [*Laughter*]

Question, by leave, deferred.

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

Ministry of Community Development, Culture and Gender Affairs
(Funding/Grants and/or Financial Support to Organizations)

- 13.** Could the hon. Minister of Community Development, Culture and Gender Affairs provide the Senate with:
- A. A list of all organizations that have received funding/grants and/or financial support from the Ministry of Community Development, Culture and Gender Affairs during the period January 02, 2002 to December 31, 2007?
 - B. Could the Minister also provide the details of the amount provided and for what purpose?

**Nationals of Trinidad and Tobago
(Granting of Scholarships)**

- 14.** With respect to the grant of any scholarship, assistance or funding to nationals of Trinidad and Tobago by the Ministry of Community Development, Culture and Gender Affairs, would the Minister of Community Development, Culture and Gender Affairs advise the Senate:
- i. the total amount of money allocated for each of the years 2002, 2003, 2004, 2005, 2006 and 2007;
 - ii. the amount of money utilized from the overall allocation for each of the years 2002, 2003, 2004, 2005, 2006 and 2007;
 - iii. the various purposes of training/areas of study; and
 - iv. the criteria used by the Ministry in determining eligibility for accessing funding/assistance?

**Granting of Scholarships/Funding
(Committee Members)**

- 15.** A. Could the Minister of Community Development, Culture and Gender Affairs provide the Senate with a list of the Members who comprise the committee in the Ministry of Community Development, Culture and Gender Affairs charged with the responsibility for determining the grant of scholarships/funding to needy individuals?
- B. Could the Minister provide the Senate with copies of the brochures/pamphlets containing the procedure and criteria adopted by the committee for determining the eligibility for scholarships/funding?

**National Service Programme
(Structure of)**

- 16.** A. Could the Minister of Community Development, Culture and Gender Affairs provide the Senate with the details of the structure of its National Service Programme?
- B. Could the Minister also inform the Senate of the amount of money allocated to this National Service Programme on a yearly basis for the years 2002, 2003, 2004, 2005, 2006 and 2007?

- B. Could the Minister indicate to the Senate the total number of citizens who have benefited from the National Service Programme and what type of programme was offered to these citizens during the period?

Questions, by leave, deferred.

Mr. President: Sen. Mark. Sen. Ali, question No. 19.

**V.T. Shipbuilding International
Interim Facility Contract
(Details of)**

19. Sen. Basharat Ali asked the hon. Minister of National Security:

- A. Could the Minister inform the Senate whether the two interim vessels procured under an interim facility contract with V.T. Shipbuilding International were delivered in October, 2007 as promised by the hon. Prime Minister in his statement to the House of Representatives on April 20, 2007?
- B. If the answer to (A) is in the negative, could the Minister outline the reason or reasons for the delay?
- C. Could the Minister state what is the revised delivery date of these vessels?

Mr. President: Sen. Mark, please, please!

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. President, unfortunately I am not in a position to answer this question at this time.

Sen. Ali: I am really quite disappointed that this question has not been answered after two deferrals, especially when the first part of this question requires a yes or no answer. Is it that B and C are giving difficulties? I think it is a straightforward question for which an answer should be available, and I would like to get a firm date, which should be next week, for the answering of this question.

Question, by leave, deferred.

Mr. President: Proceed.

1.45 p.m.

WRITTEN ANSWERS TO QUESTIONS

Sen. Wade Mark: Mr. President, before you proceed there are several questions for written answers. If you look at the Appendix you would notice that the deadline you gave has passed. Can you kindly appeal to the hon. Leader of Government Business, Sir, to do whatever he could to really ensure that these answers are, in fact, submitted to us?

Mr. President: Sen. Mark, two things: I gave no deadline to anybody on any question, and I will not do any such thing. Secondly, I would be stepping out and away from my functions to ask anybody here to answer any questions within any time frame; that is not my role and I will not do so. You know that.

GENEVA CONVENTIONS BILL

Bill to enable effect to be given to certain Conventions done at Geneva on 12th August, 1949 and to the Protocols additional to those Conventions done at Geneva on 8th June, 1977 and for related purposes [*The Minister of Foreign Affairs*]; read the first time.

ARRANGEMENT OF BUSINESS

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate proceed to deal with Committee Business before Private Business.

Agreed to. [Interruption]

SENATE STANDING ORDERS (Referral to Standing Orders Committee)

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move the following Motion:

Be it resolved that the Standing Orders of the Senate be referred to the Standing Orders Committee for consideration and report.

During the course of the Fifth Session of the Eighth Parliament, the Senate, by resolution, mandated the Standing Orders Committee to consider the Standing Orders of the Senate in its entirety and to report its recommendations to the Senate. The Committee undertook such a review and a report was laid in this honourable House on September 27, 2007.

In the report the committee agreed that there were several areas of the Standing Orders that needed revision; however, the committee also reported that it was unable to complete its work in the time given. In light of the work completed and the findings of the Standing Orders Committee in the last session, I am simply moving, as a matter of procedure, the Motion standing in my name on the Supplemental Order Paper, in order to get the work of the Standing Orders Committee going in this session, so that we can bring the rules that govern this honourable House in sync with modern times and in conformity with some of the larger Commonwealth Parliaments.

Senate Standing Orders
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Mr. President, in the circumstances, I beg to move that the Standing Orders of the Senate be referred to the Standing Orders Committee for consideration and report.

Question proposed.

Sen. Wade Mark: Mr. President, matters like these ought to be approached on a tripartite basis; of course, including the Independents. Whilst we are very concerned about what the hon. Minister said a short while ago, because he did indicate in his statement that the Government would like to amend or have a revision to the effect of the Standing Orders consistent with modern parliamentary procedures and practices, I am very wary about the motive of this Government. This Government, as you are well aware, is on a particular course of development in this country that has a lot of citizens uneasy. I suggest that if the Government is interested in revolutionizing the parliamentary processes in this Senate, and by extension in the Parliament as a whole, they will have our fullest cooperation. But if the Government is seeking to tinker and truncate my democratic freedom and our democratic rights, as it relates to freedom of speech—I am only allowed 60 minutes; I need 75; if I could get 90 minutes I would appreciate it.

I get the impression that the Government, without seeking to bring about what I call the comprehensive overhauling of the parliamentary process, which would mean that—If the Government wants to proceed to refer the Standing Orders, as it currently exists, to the Standing Orders Committee, we have seen episode after episode of Government's tardiness as it relates to basic answers to questions. We hope when you refer these Standing Orders, that will be an area of concern to the Members of that committee. I also suggest that the deferral and deferral and deferral of questions on the part of this regime, is another area that we would like to have this Standing Orders Committee address.

We want to put on record the UNC-A's complete opposition and rejection, in advance, of any attempt by this regime, by its majority, which, as you have seen, has been abused over and over again; that they do not use their constitutional majority in this Senate in terms of numbers—*[Interruption]*

Sen. Dr. Saith: Mr. President, on a point of order. We have a Motion before us to send the Standing Orders to a committee which will report back to us. The Senator is debating what he perceives is going to be the report. Let the report come, and he will be free to debate it. I think it is irrelevant.

Mr. President: I am inclined to agree, Sen. Mark, that you are anticipating the report. The issue is just whether or not it should be sent to a committee and that is it. You should confine your remarks to that.

Sen. W. Mark: Mr. President, this was why I said very early in my contribution that it ought to have been a deliberation on a tripartite basis. Before the Minister moved that particular Motion in this Senate, the hon. Leader of Government Business should have consulted with his counterpart on the Opposition Benches. He could have also consulted with his Independent counterpart, Sen. Prof. Deosaran, so that when something comes here it does not create any controversy; we would have been able to have consensus among ourselves. But because the Government in its usual arrogant style decided to take matters for granted, I am on my legs today.

I agree with you, Mr. President, that if we had the necessary consultation and collaboration, we would have been able to—*[Interruption]*

Mr. President: Sen. Mark, do not bring me into the debate, please. Do not say, "You" or that I would know or that I would do anything of the sort. You are bringing me into the debate and I am not here to be enjoined in this matter at all, because you may not like what I would say.

Sen. W. Mark: You mean if you are enjoined? I would relish what you would have to say.

Mr. President, our concern in the UNC-A, as it relates to referral of these Standing Orders, as a former Member of the last Standing Orders Committee, is that I know what the intent of the Government was. As a current Member of the Standing Orders Committee, I believe the objective has not shifted. As far as we are concerned, we see no basis, at the moment, to have these Standing Orders referred to any Standing Orders Committee at this time.

We believe that if the Government was serious it would have prepared a paper among the Members here, circulated it and discussed it before we would have even contemplated referring any matter to the Standing Orders Committee. One would have expected that if the Government wanted to refer the Standing Orders to the Standing Orders Committee of this Senate, at least, it ought to have given us some kind of perspective, some kind of basis, some kind of rationale as to why it would like to do so.

Mr. President, you know—well, let me not encourage you into our debate as you said. I am not enjoining you. Mr. Alloy Lequay, the then Leader of Government Business in 1988, amended the Standing Orders. We used to enjoy 75 minutes of speaking time, the same privilege the other House enjoys; as it relates to matters of definite urgent public importance, we had the authority to raise. They changed around the Standing Orders in 1989 and a new set was

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introduced here. Why are you rushing? Why are you attempting—not you, Sir, but the Government—to reshape and refashion the Standing Orders, without supplying this honourable Senate with any rationale or reasons?

You have the Leader of Government Business rising to simply tell us that they want to refer it to a committee, but tell us what the basis is. What has gone wrong with the existing Standing Orders? Where are we wrong? Is it your objective to reduce my speaking time from 60 to 25 minutes? Is that the reason you want to refer the Standing Orders to the Standing Orders Committee? We object to this. We say that there is no rationale or basis for the Government's position at this time; therefore, we would like to put on record our complete opposition and rejection of this Motion.

We enjoy freedom of speech in this Parliament. We are given privileges under the Constitution of this Republic. Unless the Government can justify to this Senate and the country at large what is the rationale for this particular referral, we cannot support it, Sir. It is not rational; it does not have any basis in the facts before us. As far as the UNC-A is concerned we believe that this Government is on a dangerous course. We believe that the referral of these Standing Orders is the thin edge of the wedge, where the Government is seeking to curtail the rights and freedoms of parliamentarians.

We will not be party to any referral of any Standing Orders to any Standing Orders Committee, unless the Government can justify to this Parliament the basis for its decision. We have seen over and over the behaviour, the conduct, of this administration, as it relates to people's civil liberties, civil rights and democratic freedoms. We believe that they have now come to the bastion of democracy. This is the supreme Chamber of democracy in our country. Having destroyed or undermined that freedom in many segments of the society, having threatened that freedom of the citizenry in other jurisdictions, you now have a situation where the Government is saying, "Let us now imprison and arrest the parliamentarians and their right to speak and deliberate."

2.00 p.m.

So Mr. President, we would like to suggest to the Government if it is interested in revolutionary parliamentary reform, if it is interested in dealing with a new committee system, if it wants full-time parliamentarians to operate here, if it wants the legislature to be strong, and does not want the Executive to continue to have the Parliament in its back pocket, Mr. President, we will give the Government full support in having these matters referred.

Mr. President, I just want to bring something to your attention as it relates to the Legislature which we are a part of. I recently read an article in the *Washington Post* concerning the crisis that recently enveloped Kenya and two prominent political scientists wrote in that article that it was not a question of ethnic rivalry that caused the clashes and destruction that took place recently in Kenya, they said the flaw in that situation lay in the fact that the national government's process in that country is extremely weak.

When one does not have a strong legislature and Parliament you have dictators emerging in a country and, therefore, if we are going to strengthen the Standing Orders to give the Parliament power over this runaway Executive to bring them to account, to let them know that they cannot abuse the powers they have and enjoy, we will support referring those Standing Orders to the Standing Orders Committee, but the Government has not offered any rationale, it has not given us any basis. So sometimes one wonders whether it has a hidden and secret agenda and using us as guinea pigs in this experiment and then we would become enveloped in a whole arrangement that we are not even privy to as it relates to its rationale.

Mr. President, we want to make it very clear to the Government of Trinidad and Tobago and the Leader of Government Business to tell the country the truth, come clean with the country, let us know what your real intentions are, do not camouflage your intentions by using the parliamentary procedures and practices of this Parliament by saying you want to refer the Standing Orders of the Parliament to some Standing Orders Committee. Tell us what is the reason. What has not worked, Mr. President? We have the Standing Orders here. If the Minister can tell the Parliament and the Senators today that Standing Order No. 34 (Interruptions), like I got recently, is not working—because there are senior Members of this Parliament who just do not understand their Standing Orders. They rise on a point of order to interrupt me and cannot even tell the President what is the point of order. If that is the problem, then let us discuss it.

Sen. Enill: On a point of order. Mr. President, Standing Order No. 65.

Mr. President: I think that Senators would benefit from an explanation as to what you mean.

Sen. Enill: Mr. President, Standing Order No. 65 states:

“The Standing Orders Committee shall have the duty of considering amendments to the Standing Orders from time to time whether referred to it by the Senate or not and making recommendations to the Senate thereon.”

Mr. President, that is the Standing Order. What this Motion is simply seeking to do is to refer matters that were discussed on the last occasion to this committee as is required in the Standing Orders so that they can deliberate. That is all.

Sen. W. Mark: Mr. President, may I continue?

Mr. President: Yes.

Sen. W. Mark: That is not a point of order. You see, we need to refer to these things, that is a basis.

Sen. Enill: I have made the case.

Sen. W. Mark: Mr. President, I am not going into a debate on this, I am just indicating to the hon. President and to the Senators, whilst I understand what the hon. Minister is saying as it relates to Standing Order No. 65(1), you must, hon. Minister, either bring the matter before us as you have done which is very good. You could have gone behind our backs which would have been even more dangerous for you and your colleagues. It would indicate the secret agenda of this regime, so you did the proper thing by bringing what you have before us. All I am saying is that I would have liked the hon. Minister to provide us with a deeper analysis and basis for his decision or his Government's decision.

Rumour is flying all over the place that the real intention of this Government by having the Standing Orders referred, the main objective is to truncate, to reduce, to curtail the speaking time of Members of the Opposition and Independent Benches; that is the objective of this referral.

Mr. President, if I am wrong let the hon. Leader of Government Business and his advisor next to him—I do not know why he was removed from that position. He seems not to understand that he has lost power and Minister Enill is now in charge, but he is there advising the young man every minute and totally confusing the gentleman. He would not go home, he does not know that the time has come for him to go home and rest; he is tired, but he is only confusing my colleague. We want to make a new start in this Parliament and every time we attempt to do so Dr. Lenny Saith is there interrupting the whole process, and when I talk about mischief, he knows what mischief is, he is “Mr. Mischief”. I am not referring to him as that, Sir, he is a very honourable person.

So Mr. President, I understand what is being said, but clear for us, hon. Leader of Government Business, this particular rumour that has been circulating that the main intention of the Government is to truncate the speaking time of Members of the Opposition in both Houses of Parliament and, by extension, though I do not

speaking for the Independent Senators, but they too will enjoy the same fate as the Opposition and that is a dangerous course. I would like the Leader of Government Business to tell us that the Government has no such intention of reducing the speaking time of Members of the Opposition, and what it is interested in is to modernize the whole system of parliamentary practice to make us full-time parliamentarians, to have all our committees functioning so that we are able to enquire into the affairs of the Executive.

If he were to tell us that the intention is to strengthen this Legislature over the Executive we would understand and support him, but he has not given us any clue that he wants to go that route. So I have to align myself with the rumour that is circulating very strongly in Port of Spain, and Trinidad and Tobago, that the real intention of the Government by having the Standing Orders referred to the Standing Orders Committee, is to chop up, cut up, slaughter and curtail the democratic rights and freedoms as they relate to the speaking time of Members of the Opposition in the main. That is what it is about. How can I support referring these Standing Orders to chop off my own head? The Government is trying to execute us in a very nice way and telling me I must go along with that particular line it is proposing. How can I go along with that line, Mr. President; we cannot go along with that line.

Mr. President: Senator, there is no proposal in front of this Senate at this point. The Standing Orders that are being referred are what you all have, as such, there is no proposal to do anything. Therefore, I think that you are not speaking to the Motion that is before you.

Sen. W. Mark: Mr. President, I would like to refer to Standing Order No. 82(1) and if you could guide me on this matter because we were ambushed by this Leader of Government Business today, which is in violation of Standing Order No. 82(1). You need to give this honourable Parliament a minimum of 12 days' notice to indicate to us that—

Sen. Joseph: That is to amend the Standing Order.

Mr. President: Sen. Mark, Standing Order No. 82(1) states:

“Unless the President shall otherwise direct, not less than twelve days' notice of a motion to amend the Standing Orders shall be given...”

There is no motion to amend the Standing Orders, this Motion is simply to refer these Standing Orders as they are intact, to the committee to review and make amendments if appropriate. That is all this is about. Now, for someone who said in your contribution a few minutes ago, that you are not going to debate it, you spent nearly half an hour doing so.

Sen. W. Mark: Mr. President, as you are well aware, I will die for my democratic rights, and you know I am a fierce defender, like you, of my democratic freedom, and this is the problem. That is why that was a shot in the dark. I do not think you should ever get yourself involved in debate here. Let us debate, and you just referee. Do not speak on these matters at all, Sir, because you might give the wrong impression and I know you do not want to do so. I know you want to be neutral at all times and I will support you on that.

So, Mr. President, I was just taking your guidance and I am glad for it on this particular Standing Order. I want to take your advice as well, I do not want to prolong it. I want to take this advice, I do not want to prolong this matter more than it is necessary, but I just want you and the Government to know that the UNC-A feels very strongly about this attempt by the Government of Trinidad and Tobago to refer the Standing Orders to the Standing Orders Committee without providing this Parliament with a sufficiently profound basis for its intention. We believe that the Government has a duty to communicate. Information is the currency of democracy and if you want our democracy to flourish, you have to provide the Members of this Parliament, the decision makers insofar as law-making is concerned, with the information, you must provide us with the rationale. These are not children in the Parliament; we are not children in school. *[Interruption]* No, Sen. The Hon. Mariano Browne, is a colourful character, so do not get in my way, please; do not get in my way at all.

Mr. President: Sen. Mark, I do not think that we should be referring to Ministers as “colourful characters” and I will ask you to withdraw that. I will rule that it is unparliamentary.

2.15 p.m.

Sen. W. Mark: So from now on, anyone who refers to anybody here as “colourful”, that is a ruling. Okay, Sir. I like these things, you know, Sir, because you will live with that; I have no problem with that at all—or “colourless too, eh”. So we are moving “colourless” and “colourful”.

Hon. Senator: “Colourless” is all right.

Sen. W. Mark: “Colourless” is all right? Okay. I have no problem with your ruling, Sir. We will test it elsewhere if it becomes necessary. But all I can tell you is that the Government of this country has not provided this Parliament with any rationale, any basis for that particular decision and I am wary of the Government. I am concerned; the country is concerned about the direction this Government has been taking over the last six years.

On another occasion I will speak on it because I have a Motion that is going to come up very shortly on the matter, once you approve of it. But the Government has indicated in no uncertain way that it is committed to a particular course of development which is almost the antithesis of this country's objective towards genuine, sustainable, humane and democratic progress and development in our country. This Government is not concerned about the deepening and strengthening of the democratic process in our country. All this Government is concerned about is the weakening of the institutional structures that uphold the State called "Trinidad and Tobago". I believe it has now come to the Parliament. It has attacked and assaulted all the institutions of the State already and it believes the last shot it must fire is at this Parliament, to weaken the Parliament, to make us almost playthings of the Executive.

I want to remind this administration that in accordance with section 75(1) of our Constitution, the Executive, which is the Cabinet, is collectively accountable to the Parliament and it is not in charge of us; we are in charge of the Executive in the Parliament. They make it look as if they are not only in charge of the Cabinet in accordance with section 75(1) of the Constitution, but by their actions, their programmes, their activities, they make it look like this Senate is in the back pocket of the PNM and this is PNM country. They cannot make a distinction between Government and party. That is why they have a flag flying now—a balisier—on the tail of an aircraft.

They do not understand there is a difference between building strong institutions to sustain and to expand democracy as opposed to promoting their own private partisan agenda. You cannot do that! You are heading for trouble! You are heading down a slippery slope of no return! We cannot allow this to happen. We will always fight for the rights of the people and we will stop you! This is the first step that we are taking to stop you! We are not in support of referring any Standing Orders to any Standing Orders Committee unless the Government can come here and rationalize for us the basis, otherwise there will be no cooperation. There may be confrontation, but no cooperation from the Opposition.

That is just the opening, you know. We intend to execute our business very seriously. We are the upholders of this Constitution; we have a role to ensure that our Constitution is not violated nor subverted; we have a duty to ensure that the Standing Orders are adhered to; we have a duty to ensure that the majority does not impose tyranny on the minority in this country by using and abusing their rights as a majority. Therefore, if they are interested in cooperation, we are

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prepared to cooperate, but not on those terms at all. Let us level the playing field. Let us have tripartite discussions; let us sit with Sen. Prof. Deosaran and myself and develop a framework and we can move forward. Do not send us to a Standing Orders Committee where, for instance, you lock us in. Let us talk about it before, so when we send these matters to the Standing Orders Committee, we already have an agreement. We do not have to go and fight in any Standing Orders Committee; we must do it now! We must set up a committee right here among ourselves: the Leader of Government Business; the Independent leader; myself. We sit; we co-opt people and we come up with our own thinking as to the problems that have haunted this Senate for the last so many years, and we can agree on that basis that these are the items that we are taking to the Standing Orders Committee.

When I go to that Standing Orders Committee that you are referring these Standing Orders to, who is going to shape the agenda for me? Who is going to say, for instance, what is to be done or what is not to be done? I would imagine that if the Government were serious—[*Interruption*] No, no. You cannot bring the President into this thing; the President is neutral. We are the ones who will determine the future, shape and fashion of our Standing Orders; not the President or the Chairman. We are the ones to do that. Therefore, that is the approach that we thought a serious government would have considered. But in typical PNM style, they are arrogant; they do not care; they feel that they have the majority so they could do whatever they want! They can come and impose their will on the minority today and say, “Well, look, it is a normal Motion; it is routine; that is how it is done.” Well, not again! That is how it was done maybe sometime ago. But we have a new regime here; we have a new dispensation here and we are not doing business as usual; we are not thinking in the box; we are thinking outside of the box.

Therefore, this Government must know, and the country will know because we will campaign against you; we will go throughout every nook and cranny of this country to expose you if you impose your will on this Senate. If you seek to truncate our time in this Parliament, we will expose you, not only to the Caribbean, but to the world in terms of what you are doing. So we want to warn you, you are going down a road that is dangerous. We know what your Prime Minister wants. Apart from being an Executive President, he wants supreme control of every institution in this country and he believes the last area he must get under complete control is the Parliament. They tried it in the old Parliament and they are not satisfied; they come back again to try it in this new Parliament. No, no, no. You will not get our cooperation whatsoever on this matter.

I hope that my few words—[*Laughter*]—on this matter would lay the basis and at least inform the Government's thinking on a matter as important and as critical as the changing of our Standing Orders and, in particular, the essence of the change, and the essence of the change is to deny us, the people of this country; to deny their representatives who are on the Opposition Benches. Do you think the Government needs to speak? If they get a chance they would go home and sleep! They would shut down the Parliament! They have no interest in coming here! Do you see how they behave when it comes to question time? They do not care!

Why have they been elected? Why have they been appointed? If they cannot do the job, why take it up? You have a duty and a responsibility to account to the Parliament and when it comes to accounting, look at the flippant approach that these Members of Parliament who are Ministers take! The Minister of National Security is the worst case! And you want us to cooperate with you? You want us to facilitate your Motion here today, to have Standing Orders that are designed to chop us up and slaughter and execute us, to take away and curtail our rights to speak for an hour? Why must I support that? I can never support that! I want more speaking time. The reason I can speak with such authority, I was there and I saw the proposal that was brought by the then Government to reduce my speaking to 30 minutes or 25 minutes and then to give me another 10 minutes to say: "I feel sorry for you, Mark; I will give you another 10 minutes."

Sen. Dr. Saith: Which government?

Sen. W. Mark: You. The PNM in the Eighth Parliament brought these same Standing Orders to the Standing Orders Committee and one of the essential proposals at that time was to curtail the speaking time of Members of the Opposition, and they came with that proposal. So I know what I speak about. I am not a stranger; I know the evil intention of this regime. How can I facilitate that? You will never be able to get the cooperation of this Opposition on these matters. We will never support the PNM on these matters.

The Government has to be serious about constitutional reform and parliamentary reform. Do you know that right now there is a document in the Attorney General's Office gathering dust on some shelf that deals with a new structure for the Parliament of Trinidad and Tobago which was approved by both Houses of Parliament since the year 2000? What has the Attorney General done to bring out that report if you are serious about parliamentary reform? You cannot refer Standing Orders to the Standing Orders Committee without the Government giving this Parliament and the country an overview of its intention to reform the parliamentary system. How can you disconnect the reformation of the

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parliamentary system and just say: “Listen, let us just deal with the Standing Orders”? You cannot tinker with the system. You need to have a comprehensive overhauling of the system. It is like WASA. No matter how they try to plug leaks, they “buss” out somewhere else. Do you know why?—because the whole system needs to be changed.

So we cannot support this Motion that the hon. Leader—my good friend who is being misled by the gentleman who sits next to him, and the other man who is very close to him. I know that he is being misled, but I can tell you we are very clear; we know what the people will demand of us. The people will never forgive us if we cooperate with you and allow our speaking time to be reduced, whether you like it or not.

Do you know why the Government is trying to refer these Standing Orders? They have agreed to a Motion that Sen. Prof. Deosaran moved two years ago to introduce live television coverage on Channel 11. It was done. But do you know what now? They do not want competition any longer! They find the competition is too stiff! It appears that the debates are one-sided. So somehow you get the impression that there is a move afoot to cut down the speaking time of the Opposition so that the Government could look good.

Mr. President: Sen. Mark, I have allowed you a tremendous amount of latitude and you have now mentioned this issue of cutting down the speaking time not less than half a dozen times when, in fact, there is no proposal in front of this Senate at this point to do anything of the kind. The Motion in front of you is simply to refer the Standing Orders, as we have, to the committee. But if there was a Motion to cut down the speaking time, then Standing Order 82 would have been relevant. There is no such Motion in front of the Senate and, therefore, you should know that you should use your time wisely. It is valuable time. You know how valuable it is and, therefore, use it in the interest of the people; in the interest of what we are doing here, to talk to the issue that we are here to discuss, and only that, please.

2.30 p.m.

Sen. W. Mark: Mr. President, you know that I am always guided. I implore the Government if it is interested in amending or changing or overhauling the Standing Orders before they can be referred to a standing orders committee, that it be deferred today, and we hold discussions among ourselves, leaving out Sen. Dr. Saith. [*Laughter*] Let the three Leaders—

Mr. President: Please. The Minister in the Office of the Prime Minister.

Sen. W. Mark: Mr. President, in parliamentary practice it is difficult sometimes—and you will know as an old experienced veteran—to be straight. Sometimes you have to bend. You must guide me whenever I slip because sometimes these things happen.

I refer to my honourable friend. He is not a Minister of State but a Minister in the Office of the Prime Minister. I thought that you were the Prime Minister. I am very glad to know that.

I was on a simple point in concluding my contribution. I would like the hon. Leader of Government Business to consider deferring this particular Motion and allowing Members of the Opposition, Government and the Independent Benches to sit together to develop a framework that we can agree to so that when the hon. Senator and Minister comes back to present a motion to have the Standing Orders referred to the Standing Orders Committee, we would not be ambushed. Every Senator will be aware that that is coming up and would have had an opportunity to make an initial input in this matter. That is what democracy and participation is about.

I am the Leader of Opposition Business. I spoke on the telephone to the hon. Minister a few hours ago and not on one occasion during our conversation did he tell me as Leader of Opposition Business in the Senate, “Sen. Mark, I want to let you know that I am moving a motion today to have the Standing Orders referred to the Standing Orders Committee.” What kind of trust can I invest in my friend in the future? Why do you want to ambush me? “I eh do yuh nutten.” We are in the Parliament together. Why did the hon. Leader of Government Business not indicate to me that this was going to take place? I would not have detained you so long. I would have told him, “Sen. hon. Minister Conrad Enill, I suggest that you talk to Dr. Saith your advisor and ask him in the interest of the Senate to defer that Motion. Let us have a behind the Chair discussion with the key players in this Chamber.” We would have been happy because we would have gone ahead dealing with our matter that we came to do.

I facilitated this matter. I could have objected. You come to steal my time! Why did you not do that on Government’s Business? You come today on Private Members’ Day—our day, when both the Independent and the Opposition—to steal my time knowing fully that I will not allow you to bring a motion like this and allow it to pass. Right now he is truncating my time in private Members’ time, when the hon. Minister could have had this matter discussed behind the Chair. We would not have had to detain you that long.

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I thank you for giving me the opportunity to raise these points and indicate our displeasure and dissatisfaction to the Government as it relates to the manner, method and style that they have utilized in moving that Motion today, to have our Standing Orders referred to the Standing Orders Committee.

Thank you.

Sen. Dana Seetahal SC.: Mr. President, as was pointed out by Government Senators and Sen. Mark, Standing Orders Nos. 65 and 82 deal with the Standing Orders Committee and the amendment of the Standing Orders. Clearly, there is no provision in either of those Standing Orders for the Standing Orders Committee to make Standing Orders.

Standing Order 65(1) says:

“The Standing Orders Committee shall have the duty of considering amendments to the Standing Orders from time to time whether referred to it by the Senate or not and making recommendations to the Senate thereon.”

Standing Order 82(1) says:

“Unless the President shall otherwise direct, not less than twelve days’ notice of a motion to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments.”

The net effect of that seems to be that amendments can be brought to the Standing Orders Committee by the Senate or the Standing Orders Committee can consider amendments. The Government is proposing to refer the Standing Orders to the Standing Orders Committee and then the committee will then make proposals. It seems to me that it does not take into account what is stated in Standing Order 82 (3) which says:

“When the motion is reached, the mover shall move the motion and after it has, if necessary, been seconded, the motion shall be referred forthwith, without any question being put thereon, to the Standing Orders Committee, and no further proceedings shall be taken on any such motion until the Committee has reported thereon.”

It means that we are sending the Standing Orders to the Standing Orders Committee, then the Committee will look at the Standing Orders and make a report, bring it to the Senate and the Senate must look at it and send it back to the Standing Orders Committee. It seems to be that is it unless someone will tell me some other effect of Standing Orders 82(1), (2) and (3). After you move under Standing Order 65, if the amendments do not come from the Senate, they will come from the Committee, then, they must be brought to the Senate under Standing Order 82(1) and then the

mover of the Motion who brings the amendments must go back to the Committee. That is why I say that I join with Sen. Mark in this regard. If that is what is meant by Standing Order 82 which seems to be clear on the face of it, why send the Standing Orders to the Committee for the Committee to report to Parliament and then for Parliament to send it back to the Committee? It seems to me that the reasonable thing is that if the Government who has the majority, any amendments it wishes to propose, brings a draft to the Senate and sends it to the Committee for discussion, the Committee could either approve or reject or make recommendations. If you look at the combined effect of Standing Orders 65 and 82, it seems to be that. That is my first point.

My second point is that in the last session the Standing Orders Committee met only in the last three months in five years. People might ask, "What is the big deal about that?" The big deal is that the only thing ever referred to the Standing Orders Committee, were these Standing Orders for consideration, as again, Sen. Mark mentioned. Those Standing Orders were amended already in 1989, 2000 and 2001.

In the Constitution, at section 49A, there is provision for Standing Orders to be made. Section 49A(5) deals with a vacation of the seat where a Member resigns or is expelled. That is in effect, the Crossing of the Floor Act which states:

"Standing Orders shall make provision for the identification and recognition of the leader in the House of Representatives of every party and for otherwise giving effect to this section."

Previously, it was held by the head, for want of another word, maybe, I should say the Speaker in the other place, that without those Standing Orders, section 49A of the Constitution is of no effect. That is not my opinion. My opinion is that substantive legislation can be given effect without supporting its legislation. The point is that there is provision in the Constitution which is the supreme law for the making of Standing Orders. Since 1978 when that was amended, Act No. 15 of 1978 created that. There has been no Standing Order to give effect to it.

What is the point of section 49A of the Constitution? The only purpose it serves is that if at sometime a Member be it government or opposition decides to cross the floor, as it were, you would have discussion as to whether that section can be given effect to and then, we would come back to the position that no person can cross the floor. Usually, it is from the opposition to join the government and nothing can happen. That person can continue holding the seat. This has happened previously under the last administration. There were persons

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who said that they were no longer of the United National Congress (UNC) and became Congress of the People (COP). It seems to me that if we had the Standing Orders as they should have been under section 49A, those persons could have been expelled, suspended, put out, whatever, because they went under another ticket. Similarly, in 1997, when Members of the then PNM went over to the UNC, that could have happened.

The fact of the matter is that it may well be that different governments at different times who have the majority do not want those Standing Orders to be amended. If we have the law it should give effect. It is time that the Standing Orders Committee take up the mantle given it by this Senate to make Standing Orders for the giving of effect to section 49A of the Constitution. Whether there needs to be a joint committee or it can happen from this Standing Orders Committee, is a matter that we can debate and decide upon. I think that it is a shame that we have legislation and it is being allowed by Parliament—not in this session; it might have been the second or third session, I am not sure—to drift. It is making a joke of the Constitution.

In relation to the Standing Orders Committee, having been a Member on the last occasion and setting, albeit only towards the end, spending time going through the Standing Orders, I would like to know since we have no draft before us, whether the work of the last committee is to be represented. Has it been wasted and will we go over that again? I do not think that it will be a waste—unlike Sen. Mark, I differ from him—to go through the Standing Orders of the Senate to see if they need updating. I make myself clear that the Standing Orders of the Senate are what we are considering. The Standing Orders Committee is supposed to look at all Standing Orders and we are not being allowed or asked to do so or to make Standing Orders when we should.

2.45 p.m.

On the Standing Orders of the Senate, we need clarity in relation to certain Standing Orders that deal with, for example, when matters are considered sub judice. We always have a debate about that. Issues of questions to the Government and what can be done to compel answers in a quick time; the question of speaking time, which is Standing Order 40, are matters of concern to some Senators. My view is that it is not necessary for every Senator to have a maximum of 60 minutes. They may want to consider amending Standing Order

40 to allow the person who opens the debate for all sides to have 60 minutes as the mover of the motion. That would be in Standing Order 40(1). Possibly in the budget we may also want to consider matters like these, rather than any wholesale diminution of the speaking time of all Senators.

I have interlaced my contribution with a couple questions that I wish answered. Thank you very much.

Sen. Prof. Ramesh Deosaran: Mr. President, this matter deals with the life and blood of Parliament, in particular the Senate, and I feel obliged to make a few comments. In the circumstances, I think that your generosity has been quite appropriate in this important matter.

As I understand the hon. Leader of Government Business, he did say that the Standing Orders will be dealt with in its entirety, which means it is all inclusive. I took that to mean that one can refer to any aspect of the Standing Orders in terms of trying to guide the committee in its work subsequently. I do not think that the committee should be averse to hearing one or two suggestions to help it in its deliberation. I also note that Standing Order 65, the way it is framed, does not really restrict debate in the sense that if it wanted to restrict debate as indicated in other Standing Orders, it would have said that the question should be put without debate. That being absent, it depends on your own generosity and it is a welcome sign that we can be allowed to make constructive suggestions for the committee.

Mr. President, when I sat as a member of one of the joint select committees, we noted several inconsistencies in the Standing Orders in the Senate compared to those in the Lower House pertaining to the same issue; matters like quorum, attendance and so on. I believe that for this and other reasons there is strong justification for reviewing the Standing Orders.

When I say the life and blood of the Parliament and the Senate, the Constitution in section 55 does speak about the role of both Houses in terms of freedom of speech. I do not think it is a rumour; my understanding from senior government officials is that there is concern about the speaking time for parliamentarians, including Senators. I would like if the revision of the Standing Orders could have been more strategically and usefully inserted in a reform of the Parliament itself. Without that, it would indeed appear to the public, and to me as a very concerned citizen, that by attempting to reduce the speaking time, which is in the Standing Orders, given the fact that the Government has a majority in the House and on the select committee and generally nothing can pass this Senate without Government support, the only avenue for expression, constructive

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exchange and for activating the spirit of debate, which is really at the heart of parliamentary democracy, is the speaking time allotted to Senators, especially those on the Opposition Benches. Other than that voice, there is very little that the Opposition has in terms of shaping public opinion and presenting itself as the Constitution allows and history has shaped it to be, an alternative government, which is what we should always have hanging in the balance to help keep the Government on its toes.

I support Sen. Dana Seetahal SC in a very important subject. Sometimes I feel Parliament, including the Senate, is an enemy of its own privileges. I speak in particular to comments made about the Judiciary or matters that are deemed sub judice. I find that the interpretation in the Standing Orders—and this is a suggestion for the committee to consider subsequently—of the restrictions on debating matters pertaining to the Judiciary are too restrictive and do not really reflect the power and public obligation of a Parliament, especially when serious matters concerning the public are up for debate. I do not want to illustrate by example, but I think, as a matter of principle, we should relax that Standing Order.

It intrigues me to know that experienced Senators like Sen. Wade Mark, having been in government—and this is a worrisome subject to me—that when people are in government, they should always think, by accident or design, about being in opposition and treat the issues on the basis of principle rather than narrow partisanship loyalty or sectarian intervention.

One government after another does this. I was in the Senate at the time Sen. Lequay cut down certain privileges of Senators leaving, at the same time, the Lower House with increased privileges. That is not right! It does not seem right now as Sen. Mark indicated. I also believe that when the UNC was in power, together with Sen. Mark, they should have improved the Standing Orders, especially in terms of what Sen. Mark himself said. I acknowledge that perhaps he regrets that omission, but I am quite sure if he is returned to power one day, he would readily rectify that omission.

So, Mr. President, this is a very serious issue. When it comes to speaking time, I have my reservations on whether it should be reduced, unless the committee or the Government tells us what alternative avenues they have; whether they will strengthen the select committees; whether they will make Parliament full time membership, so that Members of Parliament, especially in the Lower House, could serve their constituents very well and correctly, having had the time to do so, so that they could also be held accountable. You cannot

have part-time Members of Parliament and have accountability from them, even if you measure it. These are all matters for the Standing Orders, which must also be done with respect to parliamentary reform.

With these few words, I thank you very much for the opportunity and I hope that such suggestions will be helpful to the committee in its deliberations and when the report arrives, we will have a fuller exchange on these matters.

Sen. Dr. Carson Charles: Thank you very much, Mr. President. I do not need to detain this Senate for a very long time on my points, but I think it is important to make them because this troubles me a lot. What troubles me most is the manner in which the matter is brought here. Really, you cannot be serious about the Parliament if you bring, by surprise, a matter concerning the Standing Orders and your intentions to reform them. That must be the wrong way to start on this issue. The Standing Orders are the rules that govern us all and within which we agree to work. They are important because they determine the way in which representatives and spokesmen for the people conduct their affairs, however adversarial their position, and are able to do so in a civil manner.

They determine the privileges we have in exposing unwholesome conduct, in criticizing and complaining about government action. Members of Parliament in any particular House are expected to be fearless in presenting their views and in disagreeing with each other without it being perceived as personal. The Standing Orders are the rules by which we operate and you cannot come to the Senate and interfere with them and it comes as a surprise. You are standing on the wrong foot. We wonder the reason for going beyond Private Members' Day and spending our time on this and we are all surprised because you intend to reform the Standing Orders.

I am not a learned attorney like Sen. D. Seetahal SC arguing the point about Standing Order 82 to the Senate, but I think when one reads it, it does give the impression that this is the way in which Standing Orders are to be amended. The heading is "Amendment of Standing Orders". It means that this is the procedure for amending Standing Orders. It says this is the way we should go about it. One would expect that you come to the Senate and say what you propose to reform. At least, regardless of Standing Order 82, if one intends to reform the Standing Orders, it would be in some context.

That is something that concerns me, Mr. President. I find that generally Ministers are not moved to explain themselves sufficiently. They come with Bills and we have to implore them to explain the reasons for them. The Leader of

Government Business comes with proposals to amend the Standing Orders and he does not tell us what is wrong with the current Standing Orders.

Sen. Enill: On a point of order. Mr. President, let me explain myself. There is no proposal to amend the Standing Orders. The proposal is to refer the Standing Orders to a committee that was set up.

Sen. Dr. C. Charles: Let me explain myself. If you propose to refer the Standing Orders to a committee, it must be because you believe the Standing Orders are in need of attention. It cannot be because you wish to waste the time of Senators of the Standing Orders Committee. If you believe they need attention and now is the right time to refer it to the committee for attention, you should tell us something of the context. What is the context in which you wish to reform the Standing Orders? Why is it pressing?

More than that, Mr. President, if you intend to reform the Standing Orders, is it not useful to give us a wider context? [*Desk thumping*] I am not going into specifics as to what you actually want to do. I think you should be sufficiently concerned that not many persons trust the motive of the Government and that people automatically think when you do not display your motives that they are less than honourable. I am not speaking about people in the Parliament in particular. Generally, you should be concerned about the way people view the Government. I am not going to second guess. It seems to me that at least you owe the Parliament this.

3.00 p.m.

You should put it in the context of an overall programme of reform of the Parliament. This is an important matter and we should see that you intend to look at the Standing Orders because you wish to improve the overall operations of Parliament. There is no way that people can assume that the Government likes the fact that Members of the Opposition can all speak for a long time. We cannot assume that. We must know that as Government Ministers your time is precious, you have to run off to your offices and do all kinds of things and when you come to the Parliament to account—who likes to account? No one likes to account. Everyone likes to have their freedom to do things on their own. We must come to the conclusion that whatever you come with, it is always the intention to reduce the stress that you have to face in accounting. We must naturally assume this.

You have the obligation, not only for the Parliament but the country as a whole, to show that you are concerned about improving the operations of Parliament and that you have a context within which you are doing this. We are

not hearing about anything else that you are going to do to enhance the operations of Parliament. You have singled out one aspect, the Standing Orders, and said: "Let us deal with that."

Recently we had a debate and I said that we should not have to argue on specific legislation as they come, concerning matters of foreign affairs. We do not want to have to argue every little point one by one, every time they come up. There should be a foreign affairs committee so that we can have a bipartisan or multi-partisan approach to such things. I did not hear any proposal stating that we should look at that. I did not see any enthusiasm from the Government to reform any other aspect of the operations of Parliament.

I join the debate simply because it troubles me that the Government comes and zeros in on a particular aspect of parliamentary reform and says: "We want to refer the Standing Orders to the Standing Orders Committee to deal with that aspect." They do not say anything else about the overall context.

I am also troubled and concerned about the fact that the Government chooses a matter so fundamental, when it is facing accusations of all kinds, to spring this as a surprise. I do not think that is the way in which the Leader of Government Business normally operates. I get the impression that he tends to consult a lot and say that we are doing this, that or the other. Today, for some reason, it was brought as a surprise to all of us. That is troubling; not when you are dealing with matters of the Standing Orders. That is my point.

I do not plan to delay and deter the Senate unnecessarily. I have made my points and they are very simple and I think they are very important. I think they do not only concern me or us on this side. Indeed, you can see that they also concern the Independents. I think they concern the entire national community. When you are dealing with matters of this kind, people should see that they are being dealt with in a particular way and they should believe that the Government does not have any underhand motives. You know that motives are something on which people would speculate. People always think that your motive is never the best. That is human nature, especially in an adversarial system; it is natural that people would think that you are seeking your own advantage. Why should they think that you are seeking anything else? It is an adversarial system designed that way. These are the rules under which we operate in the adversarial system.

If you are dealing with the very rules by which we operate the adversarial system, at least demonstrate to the Senate and the national community that you are showing your hand. You have a plan for the reform of the operations of

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Parliament, which is uplifting; parliamentarians and the country have a reason to believe that after you do whatever you have in mind, it is going to be for the benefit of the country as a whole and for democracy in general; and you are not going to single out one little aspect of it in terms of the whole reform, the rules and laws by which you operate and seek to impose your majority. The fact that you have come by surprise, what looks like stealth, again makes people feel that you have the intension of imposing your majority. That is the way anyone will react.

There is a very important aspect of our democratic system that we are lacking in this country. It is the most important aspect of it. When you are in government, it is important that you actually expect to be in opposition. That is extremely important. It is one of the things lacking here. Even though, of course—I see the Minister smiling across there. Maybe he does not expect to be in opposition. Not every Member of the Government makes it into opposition. Some do not even make it there. When you are in government, it is important that you expect to be in opposition. [*Interruption*] I am a marathoner. I have been here since Mr. Lequay was doing his thing, but I was not in the Senate then. Yesterday's errors are not justification for today's errors at all, because the same thing applies all through the years, that is people who are in government not thinking that they are going to be in opposition sometime soon.

When you have a system of parliamentary democracy, in which it is the tradition that you alternate parties, those who are in government expect to be in opposition and, therefore, they treat the Parliament seriously because when you are in opposition that is where you are going to have your voice. You will not make the kind of mistakes that are being made today because you would think of the Parliament in a different kind of way.

Mr. President, I simply want to express my own personal views and also the views of those on this side and to join with my colleagues, Sen. Mark as well as the Independent Senators who have spoken in expressing concern about the way in which this matter is being dealt with and the way it should have been approached. Surely, the Government can do better than this on a matter of such importance.

Thank you.

Sen. Dr. Jennifer Kernahan: Thank you. Mr. President. We have just come out of an election exercise in which this Government has pledged to the people of Trinidad and Tobago, that they would uphold the highest standards of transparency and probity in the way they conduct the affairs of the people of Trinidad and Tobago.

These issues are the major issues that concern civil society in Trinidad and Tobago today; how well you govern and what is your concept of governance and transparency. Every time we hear the Members of this administration make these commitments to transparency and good governance, but what they actually do is the opposite.

We have come here this afternoon and this Parliament has been transformed into a theatre of suspense and surprise. I was appalled as a Member of this Senate. I had no idea—I was hanging on to every word the Minister said when he got up—that we were supposed to debate today, this Motion to refer the Standing Orders to the Standing Orders Committee. Why is this Parliament being transformed into a theatre of suspense and surprise? I wonder what is happening next. This is not good governance and transparency, because as my colleagues have said, when you do things like this you cause us to question your motives.

Mr. President, the entire Senate—All of us do take our jobs very seriously. We are here every day. We know what the problems and deficiencies are. As Sen. Prof. Deosaran said, we should be given an opportunity to have a say in what we wish our Standing Orders to be; the way in which they should be changed, if they should be changed, and in what manner they should be changed. We are the ones who work the Standing Orders every day. We are ambushed and not given an opportunity to think about the issue and to come with a proper perspective.

We are going to refer these Standing Orders, but in what context are we going to refer the Standing Orders? What are the major issues that we would like to direct to the attention of the Standing Orders Committee? It is not difficult because, as we have pointed out before, we have a procedure in the present Standing Orders with respect to the amending of the Standing Orders. Therefore, it is quite possible for the Government—it is provided for in the present Standing Orders—to come to tell us: “We need to amend this, that and the other or we need to amend Standing Order X, Y and Z.” A motion is then put and without debate it is referred to the Standing Orders Committee. In this context, at least we have a sense of where the Government is going with these proposed changes and we have a sense of what our response must be.

It seems that this Government is committed, in words only, to transparency and probity and to a collaborative approach and progressive approach to governance. This Government is committed, in reality, to the concept of confrontation, surprise and one-upmanship and it is the least concerned that this fundamental issue that we are discussing today has to do with the way representation is made on behalf of the people. Therefore, it has to do with the

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people's rights, privileges, the way our society is organized and the kind of respect that ordinary people anywhere would have for the workings of Parliament. They do not seem to understand that nexus. They seem to think that this is something isolated; they can come here because they have the majority and they can do these things. They do not see the connection in the wider society that would bring the working of the Parliament, perhaps, into disrepute.

As my colleague said, we are very troubled by this Government's refusal to adhere to the standards of transparency and probity that they are always espousing. We are upset that they have decided to bring such a fundamental issue at such short notice, with no consultation with our leaders, and we are appalled at the clandestine approach to important issues which affect, not only Senators and the representatives, but our people's rights and liberties in the wider society. If we are unable, at this level, to properly represent our people, to have Standing Orders which would give the widest liberties, so that we can effect proper representation, our people's democratic rights and liberties are in jeopardy.

I agree very strongly with the proposals and positions advanced by my colleagues Sen. Mark and Sen. Dr. Carson Charles. I want to alert the Government that red flags have indeed gone up this afternoon in the national community. Why is the Government being so clandestine and underground with respect to what they want to see in the Standing Orders? They want to tell us—we are not children—"We do not have anything particular in mind. We just want to refer the Standing Orders to the Standing Orders Committee." It is rushed. It does not make sense. You must have something in mind that you want to change, see, delete or add.

Are you totally mad, totally without ideas and totally unfit to govern, so you took the Standing Orders one day from the back pocket and said: "Look, send it to the Standing Orders Committee?" It does not make sense. If that is the position you want to advance today then you are totally unfit to govern. You have no ideas, no prognosis or no vision. What are you doing here? If you have an idea, a vision or something that you want to advance, be upfront about it and tell us what it is. Let us know. Do not spring these surprises on us at a moment's notice and feel that it is okay to do that. This is an insult to the people of Trinidad and Tobago, because it is an insult to the representatives of the people of Trinidad and Tobago.

They do not understand that. They "steups" at that. They suck their teeth because they do not understand the nexus. They would never understand. Our people have to understand what they do not understand and do the right thing when the time comes.

As I have said before, red flags have gone up. Our people have to understand the significance of what the Government has done here this afternoon. The issue is not just the Standing Orders. The issue is how the Government approaches the issues of governance and how they approach the issues of the people's rights which are encompassed in the Standing Orders, how they relate and how they represent people.

We are looking at them and we understand what their motives are. Our Leader of Opposition Business has been very clear, based on the history of what this Government is about. We are alerting the population today that all the concepts of probity, transparency and good governance, at the critical moments when they need to come up and show that they speak the truth when they give us these assurances, they fall flat because they are really about power and the domination of their majority.

I thank you.

3.15 p.m.

Sen. Dr. Adesh Nanan: Mr. President, thank you. When I got the Supplemental Order Paper this afternoon, I looked through the number of papers on the first page, and I just happened to turn on to the second page, and I saw this particular Motion under "Public Business—Committee Business"

Be it resolved that the Standing Orders of the Senate be referred to the Standing Orders Committee for consideration and report.

This Motion is by the Minister of Energy and Energy Industries.

Mr. President, I thought this was an error, but when I saw the Leader of Government Business get up this afternoon to speak on this matter, I thought the Leader of Government Business was going to say that he has withdrawn the Motion.

Mr. President, it is fundamental in our democracy, in terms of parliamentary privileges, for the opportunity to have discussions. This should have been a bipartisan approach. I am in total agreement with the Leader of the Opposition in the Senate with respect to this particular matter. We have to question this, and that is why we are questioning the motive of the Government.

We heard about the two Standing Orders here with reference to this particular Standing Orders Committee and the procedure, but I want to go back to Standing Order 82. It is my view, as well as other Senators on this side, that the Government is in error. It is only by accident the Leader of Government Business has recognized his error, and he is trying to cover it up. We have seen this cover-up in every area.

We have seen a major cover-up in this Senate this afternoon. The Minister of National Security said that he does not know when he is going to answer those questions, and that is in the Standing Orders. So, when you are dealing with Standing Orders, I humbly suggest—I thought that would have been the Government's approach—that whether you have to give notification or if you are coming with a Motion, you are doing a favour to the Opposition. That is totally unsatisfactory.

Mr. President, proposed amendments should have come to the Senate. I support Sen. Dr. Kernahan with respect to governance. It is a failure on the part of the Government to govern this country. The Government has no direction and no indication as to where it is going. A legislative agenda should have included a whole perspective in terms of the Parliament situation. This is nothing new. We had many committees sitting with respect to our parliamentary democracy.

In terms of the Crossing of the Floor Act and the particular position with respect to the Standing Orders—I do not want to anticipate, but this deals with the operations of the Senate and it is your bible, because that is how you operate within the confines of the Standing Orders.

Discipline and matters of privilege are under the Standing Orders. So, when you come here with a sleight of hand with this Motion to deal with the Standing Orders of the Senate, you must have some direction.

We would have supported this particular Motion if the Leader of Government Business had stood in this Senate and given us a caption as to where we are heading. We must send up red flags. I agree with Sen. Dr. Kernahan with respect to the speaking time.

It is in the air, and it is quite clear that the Opposition has made significant inroads into the Government, in terms of its performance in the Senate. This is a slap in the face for the Government if they are going to consider this particular amendment. This shows clearly that the six Opposition Senators are putting constraints on the Government. Every question that is being asked in this Senate is pointing to a direction where the Government is overspending. I do not want to go in that direction with respect to cost overruns in various areas, but we are seeing it. Every time a question is asked, we are dealing with the country's business. We are not here to fool around.

So, when the Government comes here and tries to hide with respect to question time, that is a major part of the Standing Orders. They are flouting the Standing Orders as it is now, so can you imagine what is going to happen when

they amend the Standing Orders! [*Desk thumping*] What are we going to come here to do? [*Desk thumping*] What is the President going to rule on? There will be nothing! When you go to this particular matter, we are not supporting it.

We want proposed amendments before us. We want to see what you are doing. We are going to give you the guidance. We can support anything in terms of improving our parliamentary democracy, and I support Sen. Wade Mark with respect to the direction. They are looking at us as non-participants in this particular process, and that we have no reason to be on a committee. If they could have eliminated us—in fact, they have the majority, and we have to be extremely careful when we go to that particular committee. The Government wants to railroad everything in this House. They are trying to railroad Bills, but I want to give the Government the assurance that every Bill that it brings to this Senate, we are going to speak for the 60 minutes that we are allotted until it is reduced. [*Desk thumping*] All of us are going to speak on every single Bill, because we have a duty to the public.

We are appointed here to uphold the Constitution and the law, and that is what we are doing. We took that oath in this Parliament. So, you can come with your amendments beforehand, and we are going to look at them and give you a new draft. We can come up with a draft because we are the alternative government. We have had the experience, and we are going to do it again. As an alternative government, we know of a legislative agenda. The Attorney General has no clue in terms of a legislative agenda in this House. We continue to see that.

I stand here for the Constitution and the law and to make the point that we are not going to stand by and let the Government railroad the Opposition. You may have the majority, but you did not get the constitutional majority that you wanted. So, let your Prime Minister know that we are not supporting any Motion for the Standing Orders of the Senate to be referred to the Standing Orders Committee. [*Desk thumping*]

Mr. President, I thank you.

Sen. Mohammed Faisal Rahman: Mr. President, thank you. I must register my complete support for my colleagues and particular appreciation for the contributions that were made by the two Independent Senators in this regard. The Government has come, and without indicating its purpose, informed us that it wants to send the Standing Orders of the Senate to the Standing Orders Committee.

What is even worse is that their protestations revolve around the fact that they have not presented any amendments in this regard. Now, this appears to be a very innocuous intent to send the Standing Orders to the committee, but in the

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circumstance of pretending that there is really nothing that it wants to do, in God's name, why are you sending the Senate Standing Orders to the Standing Orders Committee if they are not going to be amended?

It has been famously said that when you are in Opposition, all you can do is talk, and if there is anything that is embarrassing this Government more than anything else is the talk that is emanating from the Opposition side in both Houses. [*Desk thumping*] The fact that these responses by the Opposition are seen by the national community in full colour is causing the Government even greater embarrassment. It is disingenuous of them to be protesting that they are not suggesting any amendments. I think disingenuous is as harsh as I want to make it without saying harsher things. It is a more parliamentary word.

Mr. President, we are in a situation where we have just come out of a general election in which was floated a proposed amended Constitution that was never presented to the national community by the Government which commissioned the writing of that proposed Constitution. That Constitution seeks to repose all powers in the person of one führer.

Now, how can we sit on this side of the Parliament and regard as innocent, attempts that have been characterized by my colleagues properly here as ambushes and being taken—there is another term that was used, and that is we are being ambushed.

I would not be convinced that the intentions of the Government in this regard are honourable. Clearly, the Government has an agenda of totalitarian control. If the voice of the Opposition is silenced, it has plain sailing.

What affects this Government is the resolution and the fullness of the Opposition to oppose. I am extremely happy that we have Independent Senators who are fearless and who are capable of putting forward a similar position by aligning themselves with the reservations that the Opposition is holding in this matter.

I must say, had I been more experienced, I might have spotted the dangers that are lurking in this proposal. I thank God that we have experienced persons on this side who could have spotted what is clearly more than a red flag. We have landmines being placed on the grounds before us without any signal. [*Interruption*] Mr. President, we have Ministers who do not realize the enormity of the tasks that they are assigned—

Sen. Dr. Kernahan: True.

Sen. M. F. Rahman:—and they are saying to other people that they do not know what they are talking about—experts in the field do not know what they are talking about. Now, they are trying to tell us that they really do not have any intention of doing anything wrong; they only want to send this bible for revision. Well, the last time they tried to revise the Bible they reverted to what was there before.

Mr. President, I believe I have made the point. I am convinced that the intention of the Government is to emasculate the Opposition, to silence it and to remove the sole privilege that it has of speaking on behalf of the population to safeguard the interest of the population. I align myself completely with the Senators on my side and the Independent Senators.

Thank you very much. [*Desk thumping*]

Sen. Michael Annisette: Mr. President, thank you. Like my colleagues, I have some concerns with the approach as they relate to the amendment. I want to preface my statement by saying that change is like a language capable of expression and expressing any thoughts and, therefore, the response that was given does not, in my calculation, send the correct impression that we want to send to the national community.

There cannot be any acceptance of a fact that a Bill or an amendment to the Standing Orders which is critical, fundamental and important goes to a committee simply because there are regulations governing it, and there is no underlining principle or thought process that moves that document to the stage so that we can look at it and the proposed amendments to the Standing Orders. I think the Government should seriously look at this matter, because we have a responsibility to the society and the community.

I am a bit concerned because we are not dealing with the fundamental issues. We are dealing with issues of politicking as opposed to the fundamental issues. The reason I say that I am disappointed is that you cannot say that a document is going to a committee and there is no basis for sending that document. [*Desk thumping*] It does not make sense. It sends the wrong signal to the population that is looking at us.

When we are doing things, we need to understand what we are saying and what we are doing. I think the Parliament is the teacher for the youths and our society, and when we send the wrong signals, at this level, what do we expect from the people in our society?

3.30 p.m.

I am saying that disorganization is to surrender and to drift to faith, and that is what we are doing, because the approach in my estimation is disorganized. And in a society, for democracy to strive we must have an organized approach in whatever we are doing. I think this approach is disorganized and it is in that context I am saying that I cannot support the *modus operandi*. The concepts might be right because, just like some people, I believe that changes ought to be made to the Standing Orders, because with somebody who was looking in, that is now in, there are things that I see here that I did not like. Names were being called without people being able to defend their names; maybe we need to look at that.

I can quote several issues because there are privileges in Parliament that make mockery about what privileges are about. Some Members abuse it and misuse it. Many names are called and they are unable to defend themselves, because people hide under parliamentary privileges; maybe we need to look at some of those things. Yes, maybe we need to look at the Standing Orders to bring them more in line with what is happening internationally and globally because the world is not static. The world is dynamic; the world is changing and therefore, we need from time to time to look at our rules and regulations so that they will reflect those kinds of changes happening globally and internationally, because we may end up like the dinosaur if we fail to do so.

I am saying in that context, I disagree with the approach that has been taken by the Government. I think they should have had, what I want to call, a better organized approach so that Members would have understood the rationale or the reason, because there must be a reason. We cannot say that we are sending a document that is so critical and important to a committee simply because the regulations say so. It does not make sense to anybody listening and therefore I think that we have a responsibility in this honourable Senate to be organized with what we are doing because, as I said, a disorganized society cannot generate concepts in terms of our alternative future, far less to act on it.

In that context I am saying that the Government should rethink their approach and therefore come back and demonstrate that they are about the people's business, which I think they are about, and listen to the concerns that have been expressed and let us move on in a conscientious way. We have a responsibility to this nation and I am a little concerned about the disjointed and disorganized way in which we do things inside of here, and I think the national interest has to be paramount in terms of all other interests.

I thank you, Mr. President.

Mr. President: Senators, allow me to congratulate Sen. Annisette on his maiden speech. Do we have any other contributions? I call on the Leader of Government Business.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. First of all, in the normal course of my style of consultation, if this Motion was anything but procedural, that would have occurred. My advice was that once you set up a Standing Committee—which we did on the last occasion—and its Members are Government representatives, as selected by the Government; Members of the Opposition, as represented by Sen. Wade Mark in this instance; Members of the Independent Bench, as represented by Mrs. Helen Drayton; Members of the Government, as represented by Sen. Bridgid Annisette-George and Sen. Lezama and yourself as Chairman there was a procedure that was required for this Committee to do its work; that was my advice. I was also advised that in moving this particular procedure Sen. Mark and Sen. Prof. Deosaran were in fact, made aware that this procedure would take place this afternoon. In those circumstances therefore, on the basis of that advice, as far as I was concerned, what we were seeking to do was simply to give the Committee the mandate that was required.

Additionally, this Senate in the course of the last sitting did something on Monday, October 16, 2006, in accordance with Standing Order 65(1) and (2) of this Senate. Your Committee comprised at that time, as it was, of a Chairman, Dr. Linda Baboolal; Members John Jeremie SC, Danny Montano, Wade Mark and Dana Seetahal SC. On Thursday, August 23, 2007 they said it:

"...by resolution...

We agree on that.

“mandated your Committee to consider the Standing Orders of the Senate in its entirety and to report its recommendations to the Senate.”

That is the process.

"Your Committee...

In reporting to the Senate;

“undertook a comprehensive review of the Standing Orders of the Senate. During its consideration...”

Mr. President, I am simply quoting from the report that was laid.

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"your Committee took note of the following documents:

- (i) Standing Orders and other Orders of the Senate, Australia;
- (ii) Standing Orders of the House of Representatives, Australia;
- (iii) Rules of the Senate of Canada;
- (iv) Standing Orders of the House of Commons, Canada, together with its rules of procedures;
- (v) Standing Orders of the House of Representatives, New Zealand; and
- (vi) Standing Orders of the House of Representatives of Trinidad and Tobago.

Your Committee held a total of three (3) meetings...:

- (i) Thursday, August 30, 2007;
- (ii) Friday, September 21, 2007; and
- (iii) Wednesday, September 26, 2007.

During the course of its deliberations, there was general consensus on the revision of many of the existing Standing Orders..."

[*Interruption*] You hold on. But that is what we are doing. And it said:

"During the course of its deliberations..."

Sen. Mark: What is the relevance of that?

Sen. The Hon. C. Enill: Because the Motion, Mr. President, sought to bring—

Mr. President: Sen. Mark, please, you cannot go on like that.

Sen. The Hon. C. Enill: Mr. President, the reason I am saying this is because the Motion that I moved did two things: it referred the Standing Orders to the Committee as is required, but it also indicated that this work should go as well; that was the Motion. So let me continue.

"During the course of its deliberations, there was general consensus..."

Consensus presumes that there was some discussion. So all this issue about not consulting and all those kinds of issues, I do not know where it is coming from.

“on the revision of many of the existing Standing Orders of the Senate in order to:

- (i) modernize the Standing Orders;
- (ii) provide for the regulation of certain procedures;”

I have heard that here.

- “(iii) introduce new provisions consistent with current practice;
- (iv) introduce new provisions as may be required by statute law; and
- (v) facilitate the codification of well-established practices of this Senate.

The literature referred to at (3) assisted in the preparation of a First Draft of Revised Standing Orders which was examined Order by Order by your Committee. The Draft included many of the existing Orders as well as suggested new Orders.

Your Committee also examined some of the various practices of the Senate which evolved over time, with a view to determining the usefulness of including such practices in the Standing Orders of the Senate.”

The relevance of this, Mr. President, is that what we were seeking to do in the Motion just moved, was to make sure that this work was referred to this Committee, so that the Committee in its deliberations could review and do what it required. It says:

“Your Committee engaged in extensive discussions with particular emphasis on the following areas:

- (i) A proposed new provision dealing with ‘Definitions’;
- (ii) Election of a President of the Senate and Vice-President;
- (iii) Questions to Ministers;
- (iv) Length of Speeches and Debates; and
- (v) Broadcasting and right to respond.

Although there was general agreement on areas for revision, one Member of your Committee questioned the timing of the exercise on the ground that it was too close to a General Election. He disagreed with any change to the rules pertaining to length of speeches.

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Your committee wishes to report, that in light of the Government's stated intention to prorogue Parliament on September 28, 2007, it is unable to complete its work in the current session.

Your Committee is grateful to the Senate for the opportunity to have served.”

So, Mr. President, procedurally, what the Motion sought to do by way of procedure were two things: one, that the work that was undertaken by the review in this Committee, be preserved and be referred to the Standing Orders Committee and that the Standing Orders of the Senate be referred to the Standing Orders Committee for consideration and for report. It is when that report is here that we then have an opportunity—[*Crosstalk*]

Mr. President: Order!

Sen. The Hon. C. Enill: Mr. President, he had his hour. It is when that occurs, all the considerations and activities have been resolved and there is something that we can debate or talk about, that is when—as far as the Government is concerned—that the Motion will come. It will take the 12 days; there will be something that can be debated and on the basis of that we move.

That is the process. That is the procedure and, therefore, the Motion that we are moving is, that work that was done, we saved and we sent to the Committee and that the Standing Orders of the Senate, which is what the Committee has been mandated to look at, meet, treat and deliberate and report to the Senate. That is what this issue is about. [*Crosstalk*] [*Laughter*]

Mr. President, I fundamentally disagree with the fact that when a group of Senators sat and examined this matter thoroughly—and many of them are still here—it is our view that that work should not be wasted, but in fact, that work should form the basis of the new Committee's continuation in this activity. [*Crosstalk*]

It is the Government's view, and one which we believe in very strongly, but work done in furtherance of ensuring that the democracy works; of ensuring that we modernize the way that we operate; should not be interfered with by those who are not of that enlightened view.

So, Mr. President, on that basis, I beg to move.

Question put.

The Senate divided:

Ayes: 23

Noes: 6

AYES

Enill, Hon. C.

Saith, Hon. Dr. L.

Annisette-George, Hon. B.

Browne, Hon. M.

Joseph, Hon. M.

Manning, Hon. H.

Piggott, Hon. A.

Narace, Hon. J.

Dick-Forde, Hon. Dr. E.

Hadeed, G.

George, W.

Rogers, L.

Lezama, Miss L.

Melville, Miss J.

Deosaran, Prof. R.

Seetahal SC, Miss D.

Ali, B.

Annisette, M.

Ramkhelawan, S.

Baptiste-Mc Knight, Mrs. C.

Nicholson-Alfred, Mrs. A.

Drayton, Mrs. H.

Merhair, Miss G.

NOES

Mark, W.

Nanan, Dr. A.

Charles, Dr. C.

Kernahan, Dr. J.

Sharma, Miss C.

Rahman, M. F.

Question agreed to.

Resolved:

That the Standing Orders of the Senate be referred to the Standing Orders Committee for consideration and report.

3.45 p.m.

**PRIVATE SECURITY INDUSTRY
(UNPRECEPTED SECURITY OFFICERS)**

[Second Day]

Order read for resuming adjourned debate on question [January 29, 2008]

Be it resolved that the Government take all necessary steps to ensure that unprecepted private security guards are not exploited by virtue of the high demand for security services; and

Be it further resolved that the Government take all the necessary measures to enact into law the relevant legislation to establish the necessary standards and regulations that would govern the private security industry. [*Sen. W. Mark*]

Question again proposed.

Mr. President: Hon. Senators, the following Senators already spoke: Sen. Wade Mark, mover of the Motion, Sen. Prof. Ramesh Deosaran and the Hon. Rennie Dumas. Senators wishing to speak may. Sen. Dr. Nanan.

Sen. Dr. Adesh Nanan: Thank you, Mr. President. As I enter into debate on this Motion before the Senate this afternoon, I would like to warmly congratulate the hon. Sen. Wade Mark, the mover of the Motion for his extremely lucid presentation. [*Desk thumping*]

As I begin my contribution I will start with the contribution of the Minister of Labour and Small and Micro Enterprise Development in this Senate. It was very hollow; his contribution lacked content; it was disorganized, and when I read the

Hansard report I was totally shocked. As a Minister of Labour he was totally unprepared for this particular Motion. How can that Minister of Labour and Small and Micro Enterprise Development speaking in this Senate, attack the humble Leader of Opposition Business in the Senate, my colleague Sen. Wade Mark, who is really trying to help the workers? [*Interruption*] He is really trying to help with respect to the unprecepted officers in our private security firms. So why unleash an attack on my hon. colleague who is doing his duty with respect to these particular officers?

The Minister of Labour and Small and Micro Enterprise Development in his contribution went on to defend the Prime Minister when a matter was raised with respect to the security at the Prime Minister's residence—

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

—and gave us a wishy-washy explanation of what is happening with respect to security at the Prime Minister's residence and the security of the Prime Minister in total. And we have to ask the question, why was a unit set up in the Office of the Prime Minister—the Minister in the Office of the Prime Minister could probably enter the debate and give us some idea—to deal with security arrangements for the Prime Minister's residence and other buildings? Is it a lack of confidence in our Special Branch or our police service generally?

The Minister of Labour and Small and Micro Enterprise Development mentioned and tried to defend that particular issue, and went on to say that this debate had nothing to do with crime, crime management and crime solutions. I beg to differ because these unprecepted and even the precepted officers are at the mercy of bandits. When a security guard is shot it is a crime; when a security guard is raped, it is also a crime, so we can bring crime management and crime solutions into this debate.

The Minister went on to talk about 100 pieces of legislation, labour contracts that have been negotiated by the Government, and we heard the Central Bank Governor speaking about Dutch disease. We have warned the Government about Dutch disease—

Hon. Senator: Overspending.

Sen. Dr. A. Nanan:—overspending. Our manufacturers are under severe threat; because of our rising inflation rate and negotiations of labour contracts many manufacturers will have to reduce their workforce. We have seen in terms of the global competitive index that our country is dropping rapidly. What is the Government doing? What is the Government going to do to improve our competitiveness?

We are fortunate, Mr. Vice-President, in terms of our resources, our oil and gas, but the Ryder Scott Report has said that we are in a situation where in a few years time we would have to look to alternative sources. Diversification is the word that is being beaten around the table in terms of the economy, so Dutch disease by the Central Bank Governor is nothing new. We have warned many times about that particular issue. We have classic models of Dutch disease and I am sure the Government is well aware of that particular issue.

The Minister of Labour and Small and Micro Enterprise Development, in his diatribe and total unpreparedness went on to talk about what is happening in his Ministry. The reason that Sen. Mark brought this particular Motion is because of the tardiness of the Government. Do you remember in 2001 there was a Private Security Agencies Bill? The Government has done nothing from 2002 to present with respect to that particular piece of legislation. It took in very widespread consultations on the issue. The unprecepted officers are outside the Supplemental Police Act, and there is a situation in this country that the Minister of National Security must take blame for. We are in a situation where a number of security firms are operating illegally as my hon. colleague, the mover of the Motion said.

There is a situation where all you have to do—if somebody wants to form a security company, they may register their company or they do not have to register a company, they can operate without being a company and have security guards. Totally uncontrolled. You can register a company with respect to security guards, but you do not have to register with the Ministry of National Security. If you want to register with the Ministry of National Security in terms of the use of firearms you may do so. So there are three scenarios that are operating in this particular environment at present, and it is the Motion that is being brought forward in terms of a regulatory framework as the Motion speaks to; a regulatory framework with respect to the privately run security industry. And the Minister of Labour and Small and Micro Enterprise Development harped on the particular number by my colleague—50,000 security guards who are unprecepted—and he said that is a totally erroneous figure. But whether it is 11,000; 20,000; 30,000 or even 50,000 it begs the question: What is the Government doing with respect to unprecepted officers?

The Motion also links the Occupational Safety and Health Act (OSHA), and we heard the Minister of Labour and Small and Micro Enterprise Development in terms of the labour inspectorate. Now under the OSHA there is a requirement for labour inspectors, and when we see nightly on the television little children holding up placards protesting, “I want a new school”, “the conditions of my

school” under the OSHA the authority should have gotten involved. Why wait until it reaches this point with respect to occupational safety and health? The workers are at the mercy of employers, and the Motion points to:

“These unprecepted security officers are required to work under conditions which may be inconsistent with the provisions of the Occupational Safety and Health Act (OSHA).”

The Minister of Labour and Small and Micro Enterprise Development also pointed out about the Maternity Protection Act and what his Ministry is doing to police this particular Maternity Protection Act. The Maternity Protection Act was passed in 1998 under the UNC Government, and if you do a chronological sequence in terms of legislation brought forward from 1995—2001 you would have seen in terms of labour how the Government addressed the labour and workers’ needs in this country, but we are seeing a tardiness on the part of this Government. If you read any *Hansard* contribution on the OSHA you would see the nonchalant approach by the Government.

The Act required a majority with respect to the Constitution, but the Government has to set up the OSH authority, but I am not aware that the Government has done so. But the Labour Inspectorate in terms of the number of labour inspectors, is not being utilized to do the work that is necessary to make our workplaces a healthy or safe environment.

We are dealing with the Maternity Protection Act that the Minister of Labour and Small and Micro Enterprise Development made reference to. The Minister also made reference to the Minimum Wages Order and gave us three scenarios about the workers and how the workers can operate in an environment where they are uncontrolled. I wanted to point out that we have a situation where they will—under the Minimum Wages Order—be taken care of to some extent and then they can form a bargaining unit, come together and make representation even at the association or at a different level. He totally missed the point of the Motion, and to say that the mover of the Motion missed the point is absolutely false.

The Minister of Labour and Small and Micro Enterprise Development in his contribution totally did not understand the point of view of the hon. Senator, the mover of the Motion Sen. Wade Mark with the pleas of the workers. We are dealing with a situation of a rising crime rate. We are seeing in terms of a mushrooming of private security—and as I am on private security, the Minister pointed to my hon. colleague in the company of three other gentlemen carrying guns, and the direction in which the particular Minister was going in his

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contribution pointed to the fact that my hon. colleague here was taking up arms. Totally untrue! How can anybody make an association like that? My friend would never take up arms. And he went on to say that we are promulgating guns in this society; that is totally untrue! My friend, my hon. colleague, Sen. Wade Mark was pointing to the fact that the communities of Macaulay and environs welcome private security, and even the Commissioner of Police endorsed the view that these private security agencies can be a help in these communities. But, of course, the Attorney General gave another view and said that was not so.

4.00 p.m.

On one hand, we have the Commissioner of Police saying that they are very happy to have this particular private security agency assisting and they even went to the consultations and gave their view and tried to work with the communities in terms of how they can make a difference. But the Minister of Labour and Small and Micro Enterprise Development is against that, saying that my friend here is walking with guns and supporting guns in the society and that kind of thing. That is another area that the Minister should be held accountable for, misleading the Parliament.

In another area, in terms of his contribution, when the Minister mentioned the labour contracts, the Maternity Protection Act and the Minimum Wages Order, why did the Minister repeal the Factory Ordinance? Why has the Minister not dealt with compensation for workers who have been victims on the job site?

[MR. PRESIDENT *in the Chair*]

The Minister of Labour and Small and Micro Enterprise Development is sleeping on the job. And when he came into this Senate to speak on this Motion, he took the side in my view, when he was speaking on this particular Motion, of the Government's perspective with respect to workers. It is clear that the Government is anti-worker and you can see here from the environment in labour.

You would recall, Mr. President, that the Government sent heavily armed police to deliver letters to teachers of the Arima Senior Comprehensive School. That is their approach and we have seen it time and time again, heavily armed police at the Leader of the Opposition's home. That is their modus operandi. And when we see little school children by the side of the road protesting to get a proper road or water in a village, they send down the riot squad with tear gas, that is their approach. That is the kind of approach in terms of discussion.

The Minister of Labour and Small and Micro Enterprise Development talks about consultation and we are having consultation with the Estate Police Association and the security firms and it is going to take time. I wrote down something here in terms of the discussions that I want to actually quote because it would really—I do not want to make a mistake and not be able to quote him properly with respect to discussions of last year cannot be discussions of this year. Totally unacceptable! He is operating in an environment where he does not know what is happening around him.

Mr. President, do you know that if this particular labour situation gets out of hand, we can have civil unrest? It is the Government's fault with respect to the society. We have a spiralling inflation rate; people are worried where their next meal will come from; workers are negotiating for higher salaries because of the rising inflation rate, for better working conditions, and they are treating the workers and workers' representatives with total contempt.

Imagine the Minister is accused of organizing a meeting and the Communication Workers Union leader, Mr. Townsend, said that he knows nothing about a meeting. That is the kind of the approach that the Government is using, this high-handed approach. It is God's gift to this country that the Government did not get a constitutional majority because we would have seen no Parliament being called, Mr. President. That is their approach. They are afraid to account to the Parliament. [*Interruption*]

Sen. Mark: The emperor of darkness would have taken charge.

Sen. Dr. A. Nanan: We see every time a question is asked, or a Bill is about to be debated here, the Minister in the Ministry of Finance is always apprehensive—[*Interruption*]

Sen. Mark: Who is that, [*Laughter*] Mariano Browne?

Sen. Dr. A. Nanan:—unsure. Picking up his script and even misreading where he is supposed to be. They have not been briefed. I do not know what the retreat was about, but it would not be long, Minister in the Ministry of Finance, that you would be on this side because the way you all are focusing in terms of governance, the population will reject you soon. I do not want to preach a coup here before you all say that I am a terrorist and under some law you would apprehend me, but it is a reality, we have to face the facts the Ministers are not prepared for governance whether in this Senate or in the Lower House.

You have a situation where people are trying to compete against one another, trying to show up each other in the Government. We had it in this Senate already, people trying to climb over each other for popularity. It is a popularity contest on that side, but

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you all are very unpopular and I want you to know that in terms of the public's image. So your Minister of Labour and Small and Micro Enterprise Development needs to get on with his job. We know that Geneva is coming up soon and that is a joy ride for Ministers, but we want to let them know that work has to be done in every single Ministry.

The Ministry of Health's 100-day plan that is supposed to be coming forward—people have been coming to me in my everyday practice to say that they cannot get basic medicine at the hospitals. So that is the situation we are faced with, our health system is in crisis or in shambles. I have no disrespect for the Minister of Health, I know he is new in the job, but this is no honeymoon period for this Government, you have been there before and you need to get your work done.

The Minister of Labour and Small and Micro Enterprise Development is hopeless; I hope in a Cabinet reshuffle which may be coming shortly with respect to all of you on that particular side, in terms of your performance— Hundred days failed. Do not talk about the Minister of National Security, in terms of these unprecepted officers, he does not even have a clue. And for the Minister of Labour and Small and Micro Enterprise Development to come in here and say that there is a database, we will ask for the information and we will ask that question. Of course, we will not get the answer because they will not answer the question, but where is the database?

The Minister of National Security is supposed to be aware because under the Supplemental Police Act, it is the Commissioner of Police who reports to the Minister of National Security, but the Minister of National Security is too busy liming on the beach in Mayaro preparing for local government elections, Mr. President. [*Crosstalk and Interruption*]

Sen. Joseph: Hearsay!

Sen. Mark: Yes. Hearsay! You liming in Mayaro, boy. [*Inaudible*] government election, boy. You cannot hide, you know.

Sen. Dr. A. Nanan: We have to excuse him.

Sen. Mark: I told you, you cannot hide.

Sen. Dr. A. Nanan: So, we are seeing a situation where in every Ministry, the Ministries are on autopilot and the Permanent Secretaries are running the Ministries because the Ministers are on the campaign trail. But we want to give

you the assurance that we are ready for battle. We are ready for battle anytime on the ground. [*Laughter and desk thumping*] I saw the Minister of Agriculture, Land and Marine Resources in the field with his tie—[*Interruption*]

Sen. Mark: Yes, and shoes.

Sen. Dr. A. Nanan:—and shoes. [*Interruption and crosstalk*] I see they are on the ground, but we are dealing with the unprecepted officers. The Minister of Labour and Small and Micro Enterprise Development was trying to point out that the Minister of National Security is not to blame. It is the Commissioner of Police because the Commissioner of Police is the one who handles the precepted officers.

Sen. Mark: Louis Lee Sing say blame the Prime Minister.

Sen. Dr. A. Nanan: Do you know that under the Constitution, the Minister has general direction and control for his Ministry? In fact, you better go and read this Constitution. We have one here, we could find the area where you have your control. The Minister of National Security is supposed to work together with the Commissioner to deal with this issue. Legislation should be forthcoming from that Ministry to the Attorney General with respect to a Private Security Agencies Bill to assist these poor workers, the unprecepted workers. How many of you are aware that seven or 10 years ago it was \$7.50 per hour for a security officer? Today, I think the figure is about \$17 to \$19 per hour and they work 12 hours a day. They work 60 hours and anything over the 12 hours is overtime.

Hon. Senator: [*Inaudible*]

Sen. Dr. A. Nanan: You are absolutely right, they even work overtime.

Hon. Senator: Long hours.

Sen. Dr. A. Nanan: They work long, long hours. We have a situation right now in terms of the demand; in fact, there is so much demand for security officers. I want to put a little perspective in terms of that particular piece of legislation because it was told to me that with respect to the Private Security Agencies Bill, a watchman can no longer be hired under that Bill. It will be part of a private security agency and be under the control—and the view is that the Estate Police Association should be a representative for this particular group of unprecepted officers. So we have a situation where the Estate Police Association can also represent the unprecepted officers.

What the Government needs to do, is look at this piece of legislation. Now, every time the UNC Alliance puts forward a view, it is totally rejected by the Government, but we are telling you and the national community whether you

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want to work or not in that Ministry, there is a piece of legislation that has already been drafted with widespread consultations. I do not accept the view of the Minister of Labour and Small and Micro Enterprise Development that last year cannot be for this year. So there is that Bill you can look at; you can discard it if you want, but you need to put something in place and that is why the mover of the Motion is adamant that there must be some regulatory framework for these particular workers, the unprecepted officers.

In other areas, the Government has been very tardy. The Minister of National Security—yes, I see that the papers are reporting that there is a new plan. There is no more Anaconda, there is no more Baghdad. [*Interruption*]

Sen. Mark: Clean Sweep.

Sen. Dr. A. Nanan: Yes, there is a new plan called Operation Clean Sweep.

Sen. Joseph: [*Inaudible*]

Sen. Mark: You did not read that?

Sen. Dr. A. Nanan: Minister, you are not aware of your own “clean sweep” plan, but—[*Interruption*]

Sen. Mark: No, did you not read the papers today?

Sen. Dr. A. Nanan: So, will Operation Clean Sweep be effective? We do not know. There are reports of ammunition being found, there are reports of people being held, but we have no justification of any of this. That is just a statement, so we do not know if Operation Clean Sweep will end up as operation Baghdad. We hope not, because we are not here to carry down any plan of the Government to help to reduce our crime level; we want to see a crime-free society. We want to see our country— Just for reference in terms of the Guyana massacre; Guyana's reports now in terms of the tourism potential on that island have dropped tremendously.

What has happened is that people have cancelled their bookings for Guyana because of that particular massacre. We have to be extremely careful that what happened in Guyana does not happen here, because one single event like that could cripple the tourism industry. If the Government is really serious about economic diversification—and we heard the Minister in the Ministry of Finance speaking about diversification, the economy, the tourism thrust and the manufacturing sector—about utilizing the tourism sector for economic diversification, the Government must get a handle on the crime situation. The

Government must be adamant that we must reduce crime, but how can that happen when there is no highway patrol? There is absolutely no highway patrol. If you are lucky to see a flashing blue light on the highway, it is a particular division just utilizing the highway route. There is no highway patrol.

Mr. President, I am sure that many unprecepted officers can be driving on the highway and meet their death, because what is happening on our highways is that you have people cutting in and out.

4.15 p.m.

The Minister of Works and Transport widened our highway and put three lanes, in some places four. Now we have a situation where persons are just crossing lanes without any indication, utilizing the shoulder; total lawlessness with respect to driving on our roads; and the Minister of Works and Transport is doing nothing about it. Unprecepted officers can be the victims of these mad drivers on the roads. What is the Government doing?

The Government is buying more vehicles; still we hear the cry. I was shocked to learn that an incident took place just walking distance from a police station; the police took about an hour to reach the scene; that is the situation we are in. The Minister of National Security comes here and grins every time we ask a question; that is his view. We are a laughing stock to this Government; but we represent the people's business.

As a Member of Parliament and a former Tourism Minister it hurts me to see where our country is heading. When the Minister of Tourism talks about arrivals going up, and he has no idea in terms of the linkages between crime and tourism, we see that we are heading nowhere. We need to have definite plans. There is no planning by the Government; no highway patrol; unprecepted officers can be killed on our highways. People are protesting for our schools. Unprecepted officers also have children in our schools, and they cannot go to school. Our education system is in crisis.

Do not talk about occupational safety and health. Let us go to the Equal Opportunity Act; unprecepted officers could have gone to the Equal Opportunity Commission to get some redress. [*Crosstalk*] I want to point out that although the Act was passed the Government has not set up the Equal Opportunity Commission.

I am making reference to the tardiness of the Government across the board with respect to its legislative agenda and its implementation plan; it is a sham. They are only interested in cutting the speaking time. That is their main aim,

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because they recognize that once the Opposition is on the air, the Government looks bad. [Laughter] Every time they reply, they look worse. If they could have moved a motion to withdraw the live broadcast, they would have done it. Everywhere in this country people realize that the Government is a total failure.

You had the opportunity; you were a failure before and they put you back in office. You had the opportunity to show the population that this is a different government, but you have failed in every single area. Who is suffering? It is not you all—sorry, Mr. President—the Members. It is the innocent people who are suffering; the poor, the downtrodden, the young people.

The Minister of Education cannot even handle the schools; she is totally unfit for that job. [Crosstalk] Do not talk about the Minister in the Ministry of Finance, he is totally incompetent in that particular portfolio. He came with such a high recommendation, and he has done nothing to improve the Ministry of Finance. Customs is in total shambles, yet the Minister comes here and reads a script. The Minister does even know what is happening in his Ministry. He comes with a script to talk about how customs is doing so and so, and about customs training; nothing. Come in this House and speak from your head; everything is script. [Crosstalk] It is a big play on that side. It affects me when I speak in this Senate. [Laughter] I feel so sorry for the people.

Hon. Senator: It is causing you trouble to speak; it is clear. [Laughter]

Sen. Dr. A. Nanan: In every community in Trinidad and Tobago people are suffering. We cannot make any difference; all we can do is talk as the Opposition; but we will make a difference. We will continue to hold you accountable.

The Minister of Labour and Small and Micro Enterprise Development pointed out that my honourable colleague, Sen. Mark, was peeping over his shoulder; I want him to know that will continue. Sen. Mark will be looking over every single area in terms of Government. He has already pointed that out. All the questions directed to the Minister of National Security showed that he was incompetent. All the questions directed to the Minister of Community Development, Culture and Gender Affairs, shows that she was totally incompetent; the past and present ones. It is unfortunate that the Minister of National Security was there before and is still there now. The population does not want the Minister of National Security, but he continues to grin. It is the same thing in the Lower House. [Laughter]

I want to deal with the unprecepted officers in terms of the Minister of National Security. [Laughter] Mr. President, the Minister has a duty to ensure that the unprecepted officers are taken care of. The Minister of Labour and Small and

Micro Enterprise Development in his contribution tried to hide the Minister of National Security, but was pointing out, indirectly, the non-performance of the Minister. In his contribution in this Senate, Hon. Dumas was trying to do a disguise for the Minister of National Security, but as he continued rambling on, it showed the national community quite clearly that the Minister of National Security was not up to the job.

You have 300 security firms in this country—I am using the figure from my hon. colleague, Sen. Mark. [*Laughter*] The Minister of Labour and Small and Micro Enterprise Development in his contribution also pointed to my colleague and said that his figures were of such a direction that he had to be reading from a report. In his preparation I am sure that he would have taken a direction, a course, in terms of his approach to the debate. If you heard my honourable colleague streamlining the inextricable link in terms of his presentation, mine is not of that level. I cannot reach that particular level—[*Interruption*]

Sen. Browne: We agree!

Sen. Dr. A. Nanan:—but I am trying to show a different side of the coin.

It is the Minister of National Security who has that responsibility, whether it is for precepted or unprecepted officers. The unprecepted officers are under no regulatory framework. Whether they are in Carenage, Macaulay, or Princes Town, they are not represented properly.

What about the compensation package for these unprecepted officers? Those security guards that were killed, were there any compensation packages for the families? Were those contracts negotiated? The Minister of Labour and Small and Micro Enterprise Development, rather than come in this Senate and attack my hon. colleague, Sen. Mark, should look at the Labour Inspectorate with respect to the contractual arrangements. He spoke about Royal Bank and the University of the West Indies; they are registered firms. Mr. President, for the Minister to say that my colleague said the employers were criminals is totally untrue. That was not what Sen. Mark said with respect to employers being criminals. He was pointing to the fact that there were fly-by-night companies not being regulated. They were hiring people and paying lower wages, probably below the minimum wage, and people are suffering. All we are asking is that a regulatory framework be put in place on a timely basis.

Another area I want to go into before my time runs out, relates to the particular issue dealing with the precepted and the unprecepted officers. There is the view by some that the unprecepted officers should become precepted officers.

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The whole approach is that the unprecepted officers must take an examination before they can even be considered by the Commissioner. We heard what Sen. Mark said in terms of the requirements, mathematics and English, and the representation being put forward. We fully support that particular approach.

The unprecepted officers can be brought in under the Supplemental Police Act, that is one concept, rather than remain as unprecepted officers. If you face the reality today, a security agency is made up of precepted as well as unprecepted officers. I am told that there is a demand for baton guards more than the precepted officers. A precepted officer's salary is higher, that is why there is a demand for the baton guards, in terms of small businesses.

The mushrooming of security companies can also be linked to the increasing crime wave, because many people who would not have thought about security are now considering utilizing security. Even the ordinary hairdresser in this country has to have a security guard posted at the door. That is the situation we are in, that kind of Gestapo approach. Everywhere we go will be like Nicaragua and El Salvador; persons with shotguns standing by their doors, because of the failure of the Minister of National Security. It may come to the point that a number of unprecepted officers may very well find themselves precepted, because of the demand.

People want firearms; we are of the view that businessmen should be given firearms because of the situation in this country. People must be able to protect themselves. I remember quite clearly when I read Sen. Mark's presentation he talked about persons checking guns under their pillows, obviously to make sure that they are ready. That is the situation; that is nothing to laugh about. We are in a society where we are scared, terrified. People have so much security cameras now. In fact, PriceSmart is selling out security equipment. People are putting up security cameras in their homes; another cost to the consumer; money they could have put aside for something else. They are now being forced to have added security, all because of the failure of the Minister of National Security and the Government to keep citizens safe.

Why must we only find police officers on Carnival Monday and Tuesday? Why must we only have that kind of security blanket on Carnival Monday and Tuesday? Should we make every day Carnival? Is that the situation in this country? A private security firm could have more police than the police service. Just imagine if you precept all your officers you can have an equal number or even more precepted officers than the police service. A private army could

develop under the eyes of the Minister of National Security, and he would not even know. Of course, you cannot utilize the blimp to see anything, because we have to be careful. Mongoose gangs can be the order of the day. [*Interruption*]

Mr. President: Hon. Senators, we can suspend the sitting for the tea break. Senator, I assume that you will go on for a little while. We will take the tea break now. The sitting is suspended until 5 o'clock.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Dr. A. Nanan: Thank you, Mr. President. Mr. President, unprecepted officers are also part of the MTS workers and a number of schools rely on them, but we have seen recently the threat by these security guards to withhold their services because of the tardiness again—or I do not know if it is some negotiating skill—by the Government with respect to these contractual agreements.

It is unfortunate, Mr. President, that while we have these unprecepted guards in our schools, there is still a situation where there is violence on the premises, and I have been informed that a child was stabbed to death at the Success/Laventille Composite School today. So where are we going? It is of no comfort to me, and I am sure the Minister of National Security is totally horrified; he should not be grinning at that particular incident, but it points to the fact that whether we have precepted or unprecepted security guards for our schools, we are still having a problem with violence on the school compound. And the question is asked: Are our schools turning into war zones under this present Government? That is happening because of a breakdown of discipline and violence in our schools, although there are unprecepted officers on the premises.

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. J. Kernahan*]

Question put and agreed to.

Sen. Dr. A. Nanan: Thank you, Mr. President, and I thank all Senators for extending my time. I want to give them the assurance that I will not be lengthy.

So, Mr. President, there is a situation where, because of mismanagement by the Government in terms of the control of indiscipline and violence in our schools children are at the mercy of others, and as I asked before in terms of unprecepted officers, where is the compensation package? We have several reports of security guards being tied up on the premises, remaining for an entire weekend at the mercy of the bandits and there is no compensation.

If one looks at the recruitment process for security guards by some companies, many of the dropouts in our society end up as security guards because of nothing to do and these people have been hired. As my hon. colleague asked, where is the training programme? Is there one in place? One has to be put in place for these security guards. The mere fact that they are placed on school compounds, there must be a training programme because in dealing with teenagers, there has to be that kind of psychological training because there can be confrontations almost every day with respect to a school population. So these unprecepted officers on our school compounds require a regulatory framework. What about the conditions or environment in which they operate? Of course, we need the Occupational Safety and Health Authority with respect to our school compounds.

As I close, Mr. President, I want to emphasize to the Minister of National Security that he should work together with the Commissioner of Police and the Attorney General and take another look at the Private Security Agencies Bill that was before the Parliament in 2001. He may need to redraft it, or throw it out the window and bring his own draft, but let this legislative agenda reflect a Private Security Agencies Bill and do not hide behind consultations or proposed consultations, it may be a win-win situation for you, Minister of National Security.

Mr. President, I thank the Senate for giving me an opportunity to contribute in this debate.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate do now adjourn to Tuesday, March 04, 2008 at 1.30 p.m., at which time we propose to continue the debate on the Legal Profession (Amdt.) Bill and a Bill to establish the Basel Convention Regional Centre for Training and Technology Transfer for the Caribbean Region in Trinidad and Tobago.

Mr. President: Hon. Senators, I have given leave for two matters to be raised on the Motion for the Adjournment.

**Auditor General's Department
(Failure to Provide Resources)**

Sen. Wade Mark: Mr. President, the first matter deals with the failure of the Minister of Finance to provide the Auditor General with the necessary resources to allow that department to expedite the auditing of the financial accounts of the Tobago House of Assembly (THA) for the periods 2003, 2004, 2005, 2006 and 2007.

Mr. President, there appears to be a scandalous misuse of public funds by the Tobago House of Assembly; this improper use of public funds will only be manifested when a proper audit is conducted on the accounts of the THA by the Auditor General. However, the last financial statement of the Tobago House of Assembly was for the year ended September 30, 2002 which was tabled in this Parliament sometime in September 2006.

Mr. President, under the Tobago House of Assembly Act, section 46 states: "The accounts of the Assembly are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution."

Section 116 of the Constitution states among other things:

"(4) The Auditor General shall submit his reports annually to the Speaker, the President of the Senate and the Minister of Finance."

Mr. President, needless to let you know, the Tobago House of Assembly has failed miserably in meeting this obligation. I want to let you know that apart from the report which was tabled in September 2006 which is for the 2002 period, the Tobago House of Assembly has not filed through the Auditor General, any financial statements and none has been tabled in this Parliament since 2002. However, between the period 2003—2007, the Tobago House of Assembly has been allocated close to \$6 billion of taxpayers' money and we do not have, as a Parliament, any accounts from this body which is under the control of the PNM at this time, and this is a Government that boasts about accountability, transparency and integrity. Hypocrisy, is what characterizes this regime.

Mr. President, you would know that when the Tobago House of Assembly Act was passed in 1996 in this honourable House, under section 52 of the Act it states:

"Within two months of the coming into force of this Act, the Assembly shall, subject to the approval of the President, make such Financial Rules as are necessary for the proper management of its finances and such Rules shall, when made, be laid in Parliament."

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This was in 1996, Mr. President, and I wish to report to you that no such financial rules have been formulated by the Tobago House of Assembly and it still operates under the outdated financial rules under the old Tobago House of Assembly Act. This cannot be acceptable and when we take into account some of the suspicious expenditure undertaken by this body between the years 2003—2007, I need clarification from the Minister of Finance.

Road works, for example, appeared never to be completed in the island of Tobago, and repairs on the Winward Road following hurricane Ivan are still ongoing in Tobago. There have been some questionable purchases by the Tobago House of Assembly, it has purchased a number of estates: Courland Estate, Pigeon Point, Friendship Estate, Goat Island. We do not know what is the basis nor the cost benefit analysis, and we do not know what are the benefits to the population. In fact, Pigeon Point is run-down today. What has happened in this particular situation?

There are also some suspicious expenditure patterns as they relate to housing. There is a housing project in Roxborough where it is being constructed on a high water table, so the cost is so prohibitive that right now I understand things have slowed down on that project. There is something in Blenheim where I understand the area is very steep and again, massive construction costs because of problems. That is an area we need to investigate.

We understand there have been massive subsidies without any accountability to the people of this country as it concerns massive subsidies being granted to European and US airlines. British Airways is one, Virgin Atlantic, Excel and some other aircraft or companies operating out of continental Europe. We would like to know and we would have known these things if there were financial statements and accounts, but since 2002, try as I may, I cannot locate the financial statements from the Tobago House of Assembly for 2003, 2004, 2005, 2006 and 2007. So we would like the hon. Minister of Finance to let us know what subsidies have been granted to these foreign airlines to come into Tobago.

5.15 p.m.

We would like to know what benefits are accruing to the people of Tobago as a result of this particular subsidy. We know there are a lot of foreigners. I travelled on a particular aircraft sometime ago and the whole crew was speaking a foreign language and they are operating between Piarco and Scarborough. These companies are being subsidized by the Government and the THA but we have no account. Today, in most, if not all of the hotels in Tobago, Philipinos and

Guyanese litter the corridors of all the hotels in Tobago. Where are the Tobagonians? Do you know where they are? The PNM has taken them off the hotel train and placed them on the CEPEP and URP gravy train where they work for two, three days or two hours and they go back to drive taxis or fish. So what is going on in Tobago? Where is the pride? Why are the people in Tobago not in charge of Tobago? Why do we have Philipinos coming from the Philippines to man Tobago hotels? Of course, within Caricom you could say you would have some movement as it relates to the Guyanese, but I understand most of them are illegally located in Tobago as well.

Therefore, the time has come for the Government to tell this country what it is doing about this Tobago House of Assembly that seems to be a runaway horse with billions of taxpayers' dollars and there is no accountability. The Auditor General has a responsibility to report on the accounts of Trinidad and Tobago every year and the Auditor General does that. We get an audited account of the accounts of our country at the end of each financial year. Why, in the case of the Tobago House of Assembly, the Government has allowed the THA to run away with billions of taxpayers' dollars without any sense of accountability? The time has come to put this THA under manners; bring them to book! There has been an improper use and application of taxpayers' money as it relates to the Tobago House of Assembly. I indicated to you that there are suspicious expenditure patterns occurring in that particular body and there appears to be large-scale mismanagement, waste and squandermania of taxpayers' dollars on that island.

I believe we cannot have our cake and eat it. The Tobago House of Assembly, under the Act that brought it into being and gave it more power and responsibility for internal self-government and internal affairs, must recognize that it is the taxpayers of this country, of Trinidad and Tobago that are funding their operations and, therefore, they need to put their house in order. I understand that the Auditor General apparently is starved of resources and personnel to get into the Tobago House of Assembly. I understand also in the THA, they are understaffed in terms of the professionals that are required.

Therefore, I raise this Motion today to allow the hon. Minister of Finance to brief this Parliament as to what steps are being taken to provide the Auditor General with the necessary resources to ensure that there is accountability for every dollar and there is value for our money in the case of the Tobago House of Assembly operations. I look forward to the hon. Minister of Finance briefing us in his response and letting the country know what is being done as it relates to the financial statements of the Tobago House of Assembly for 2003, 2004, 2005, 2006 and 2007.

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

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, I refer to the matter raised by Sen. Wade Mark with respect to the failure of the Ministry of Finance to provide the Auditor General with the necessary resources to allow the department to expedite the auditing of the financial accounts of the Tobago House of Assembly for the years 2003, 2004, 2005, 2006 and 2007.

First, I would like to begin by pointing out that the office of the Auditor General is a public office as stated in the Constitution and as such, the Constitution defines and establishes the functions of the Auditor General. With regard to staff being provided to the Auditor General, section 117(6) states that:

“The staff of the Auditor General shall be public officers appointed in accordance with section 121(8).”

Therefore, the appointment of any member of staff to the Auditor General's Department is vested in the Public Service Commission and, as such, the Auditor General must comply with the process as prescribed by the Commission in respect to the recruitment of staff.

The Auditor General, recognizing the need to strengthen the institutional process to re-engineer and retool the department, a restructuring exercise was conducted in consultation with the Public Management Consulting Division of the Ministry of Public Administration and Information—now the Ministry of Public Administration—during the period October 2003 to November 2004. Emanating out of this exercise, proposed changes to the structure of the department were recommended and these were submitted to Cabinet in August 2005. The proposals were agreed to by Cabinet in the same month.

One of the agreed changes was to the Tobago branch office where the need for additional resources at several levels was identified, namely, increasing the professional, technical and clerical staff complement by 11 as follows:

- Two top structural support positions, which are new—the Audit Director, a range 63 officer and Assistant Auditor Director, range 61;
- Two entry level positions, which are new, both at the professional levels—Audit Senior, range 55F;
- One senior position for an unqualified officer which is deemed to be an Audit Executive I, which is also a range 55F;
- Two technical positions of the Audit Manager/Supervisor, range 50E;

- Two technical entry level positions of Audit Examiner Assistant I, range 20C;
- Two clerical positions—Clerk III and Stenographer II;
- Changing the organizational structure to provide for more experienced and professional staff by the inclusion of two persons mentioned above, i.e. the Audit Director and the Assistant Audit Director, and changing the level of staff heading the branch office from an Audit Senior to an Audit Director, range 63.

In accordance with its mandate, the Public Service Commission completed the recruitment of entry level professional staff for the Auditor General's Department during 2007 and, as such, two new Audit Seniors took up appointments during the last quarter of 2007. These officers, along with the Assistant Audit Director are currently conducting the audit of accounts and financial statements of the Tobago House of Assembly for the years ended September 30, 2004, 2005 and 2006. The two technical positions of Audit Manager/Supervisor have not been activated since this post is a merger of two existing positions of the Audit Manager and Audit Supervisor with its attendant implications. The merger of these two positions is being reviewed. The process of recruiting officers into the technical entry positions of the Audit Examiner I, range 20C, was also completed in 2007 and one officer living in Tobago was appointed to fill one of the two technical positions of Audit Examiner Assistant I. However, this officer subsequently accepted a contract position with the Tobago House of Assembly and, as such, his position was not filled.

It should be noted that the filling of the two higher positions at the next higher technical levels, i.e., the Auditor Examiner I and Audit Examiner II and a senior unqualified audit position, Audit Executive I, has traditionally been accomplished through the promotion of junior officers at the technical entry position. The Tobago branch office is geographically separated from the head office in Port of Spain and this has hampered the Auditor General Department's quest to sustain long-term assignments or even acting appointments since assignments/acting engagements would require the uprooting of officers.

With respect to the accounts and financial statements of the Tobago House of Assembly for the year ended September 30, 2003, it is expected that the relevant audit report would be issued shortly.

With respect to the issue of what subsidy arrangements are done with respect to foreign airlines operating in Tobago, my understanding is that the arrangements are done on a seat guarantee; not on the basis of a subsidy, and that is, as long as

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the seats are filled, no payment is required. My information is that the seats are being filled, therefore, no payment has been paid.

Thank you, Mr. President. [*Desk thumping*]

**Procurement Regime
(Failure of Minister of Finance to Provide)**

Sen. Wade Mark: Mr. President, you had given me permission and leave to raise a second Motion, entitled the failure of the Minister of Finance to put in place measures to give effect to the new procurement regime in order to promote transparency and accountability in governmental affairs which was promised since 2004.

After some four years of false promises, the chickens are coming home to roost. Budget after budget, the people were promised a new procurement regime by this so-called Government of integrity, one of the worst and most corrupt regimes we have ever seen since Eric Williams. The Minister of Finance promised that this procurement regime would have been effected. It turned out to be a hoax on the population of this country. Instead of strengthening accountability, transparency and value for our money, do you know what this regime has done? It has established some 14 or 15 special state purpose vehicles or state enterprises, in order to bypass the Central Tenders Board and its failure to report to Parliament after the White Paper on Public Sector Procurement was approved by the Cabinet.

So it was all part of a public relations gimmick campaign on the part of the Government. In the last four years, many of the mega projects from the Prime Minister's residence—we understand a senior official of this Government who is associated with an insurance company, has been granted that contract for coverage without any kind of public tendering. The Waterfront Project outside there, no accountability; the UTT, riddled with corruption and an untouchable czar; the Rapid Rail Project; the EMBDC, a gentleman from India who seems to be very close to our Prime Minister, untouchable; the water taxi service, all these things are taking place without any proper accountability and procedures.

The sellout of BWIA assets; Caroni assets; the acquisition of a radar system; blimps; interchange; the acquisition of buses—and I will say more about that on another occasion—and a host of other activities are taking place without any proper procurement or tendering procedure.

Large scale theft is taking place. We need a forensic enquiry into the operations of a number of these state enterprises. Widespread corruption! We have a procurement regime that was supposed to come into effect and up to this time, it has not come into effect.

5.30 p.m.

I quote from the *Business Guardian* dated Thursday, February 07, 2008, where the Minister in the Ministry of Finance is quoted. Page 5 says:

“Browne’s first focus has been to ensure that the enterprises have an internal audit plan.

A Government survey found that only ten of them have an internal audit plan, 20 do not have an internal audit function and 17 did not have an audit.”

Twenty state enterprises with billions of taxpayers’ dollars have no internal audit function.

“Revealing findings of the survey to executives of state enterprises at a seminar...director of the Central Audit Committee, had said that during the last two years, only ten state agencies had executed a comprehensive internal audit plan.”

What is taking place? We have billions of dollars being invested by state enterprises as the special state purpose vehicles and there is no serious oversight of their operations.

UDeCOTT is the worst. I warn this Government. You can run but you will not hide. We will track you down when we get there because we know that many things are happening in those enterprises that are not above board. Could you imagine out of 47/50 state enterprises, we are being told by the Minister of Finance that 20 of them do not have an internal audit function? What is taking place in those state enterprises? It has to be that the Government of this country has deliberately killed the Central Tenders Board. There are institutionalized tenders committees packed with corrupt elements and they are giving their friends and families contracts at all levels in this country. It is because of the growing and glaring deficiencies of the procurement process, they accused us of all kinds of activities, when we were there. Look at what the PNM is doing today.

In October 2003, the Government established a committee to produce a Green Paper on the Reform of the Government’s Procurement Systems and Regimes. That was laid in Parliament in September 2004. In early 2005, the committee began work on a White Paper on the Reform of the Public Sector Procurement Regime. This official statement of the Government’s new policy was laid in

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September 2005. The whole issue of value for money with transparency and accountability was supposed to govern the operations of this whole new philosophical approach.

What has happened since? A few days after the White Paper was laid in Parliament, the Prime Minister and Minister of Finance in his budget presentation of 2005/2006 made reference to the reform and said that legislation to replace the Central Tenders Board Ordinance will be forthcoming. He anticipated that the new procurement regime would have been in place by the last quarter of fiscal 2005/2006. That was between July 01 and September 30, 2006. Those days and dates have gone. Where is the procurement regime that the Government promised the Parliament of this country? The promised implementation of the new regime has not yet come to pass. They came back in 2006 and 2007 in their budget statements.

Again, the beacon of integrity, the hon. Prime Minister repeated his Government's commitment to reform and said that he expected the new regime to come into effect in early 2006/2007 fiscal year. That year has passed. Where is the new procurement regime to rein in those state enterprises that are having a field day at our expense?

The Government's tardiness in implementing the new procurement regime, coupled with its haste in creating new and heavy spending state enterprises that have undertaken huge mega projects, outside a proper legal and regulatory framework, has engendered an atmosphere of doubt, disappointment and suspicion, about the Government's real intention. You have a Government that has announced its intention to establish a rapid rail project estimated to cost billions of dollars, yet few details have been made available to the public. There has been no feasibility study of that exercise. Trinidad and Tobago Transparency International has condemned this Government for not effecting its commitment to bring into being a new procurement regime. This thing is scandalous because in the absence of a proper procurement regime, billions of dollars are going unaccounted.

We need a forensic enquiry into the Urban Development Company of Trinidad and Tobago (UDEcOTT). We need to know what is taking place in that company. We need to know given all the heavy investment of taxpayers' money by this administration into UDEcOTT, not to mention the Estate Management Business Development Company. Do you know what is sad about it? All these elements, whether the University of Trinidad and Tobago (UTT), or UDEcOTT and now the Public Transport Service Corporation (PTSC) these organizations, their

leaders and the people who are acquiring favours, seem to have a very close relationship with the Prime Minister. We have to query the Prime Minister. We want to know why the Prime Minister is allowing Calder Hart and others so much power and authority and to spend money in such a wild way?

You have the University of Trinidad and Tobago (UTT). They have spent billions of dollars of taxpayers' money and up to now their books have not been properly audited. Parliament has not been able to see a proper account or financial statement of UDeCOTT. We believe that the time has come for this Government to tell the country if it is serious. Four years have passed and we have seen no manifestation of any seriousness on the part of the Government. Come clean! Tell this country when you intend to effect the new procurement regime. It is our taxpayers' dollars that is at stake here.

We are committed to accountability as the new procurement regime is committed. We want value for our money and transparency in the operation of these companies. What we are seeing is the lack of accountability, no transparency and no value for our money. In this country, people are dying and starving. We are about to employ a forensic person. I am telling this Government that we would track it down.

Today, I understand that the daughter of another top-ranking government official has landed a big contract to import chickens in this country. We are taking our investigation further because we would call the person's name and send the facts to the police and the Integrity Commission at the appropriate time. The country is very disturbed at the level of corruption and disrespect that this Government has shown towards Parliament and the people of this country. I call on the Minister in the Ministry of Finance to tell the country when they are going to institutionalize in legislative form the new procurement regime in Trinidad and Tobago.

Thank you very much.

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, I refer to the matter raised by Sen. Wade Mark on the failure of the Government to implement the long promised and awaited procurement policy and procedures, to ensure accountability and transparency in the award and management of contracts to special purpose companies created for the implementation thereof.

I will comment on some points before I go into the particular matter that was raised. In his contribution he said that approximately 15 special purpose companies had been formed. That is incorrect. Approximately six companies which were deemed to be special companies, were formed in 2005. That is the subject of question No.

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24, a four-part question which asked for the specifics in terms of the expenditure and procurement methodology being used by those companies. Those companies are the Community Improvement Services Limited, East Port of Spain, EMBDC, UDeCOTT, the National Infrastructure Development Company and the Education Development Facilities Company. Each has a specific purpose and their proposed expenditure was brought to Parliament in the last budget.

With respect to another matter which was raised, in his Motion, a special audit questionnaire, the purpose of this was to determine the state of readiness or the strength of the internal audit function of the companies to ensure that in the absence of a fully articulated procurement procedure, in accordance with the Green Paper and the White Paper which were presented, that the audit departments were functioning correctly. It is not 50 state companies; it is 42. Out of the 42 companies 14 are in exit mode; they are in various stages of winding down or liquidation. Those 14 companies do not have a specific audit department, but they have external auditors. The total number of companies and the survey results as released to the press were incomplete at that time and a fuller and complete result from the survey will be presented and laid in due course.

With respect to the specific comments with regard to the procurement policy, Members will recall that the Green Paper on the Reform of the Public Sector Procurement Regime was laid in Parliament on September 27, 2005. Subsequently, Cabinet agreed to the appointment of a procurement implementation committee to oversee the implementation of the recommendations contained in the report of the Procurement Reform Committee, entitled Reform of Government's Procurement Regime. The Procurement Implementation Committee held several meetings after which a revised draft report was submitted to the Cabinet for its consideration. Cabinet is still considering additional comments which have been submitted by a number of interested parties.

This notwithstanding, since June 2005, the procurement of all state enterprises, including the special purpose companies, is guided by a document outlining standard procurement procedures for the acquisition of goods and services. These standard procurement procedures for the state enterprises sector cover the following:

- Composition of the Tenders Committee of the Board
- Prequalification of contractors
- Disqualification for the award of contracts

- The award process
- Functions of the Tenders Committee
- Meetings of the committee
- Minutes of the meetings
- Decisions of the committee
- Invitations to tender
- The form of tender
- Compliance with the invitation to tender
- The opening of tenders.

Here, I wish to advise that all tenders are opened in public.

- Consideration of the tender; and
- Acceptance of the tender

As I have outlined, the procurement of the state enterprises sector is transparent and enterprises are accountable for their actions. However, I wish to advise the honourable Senate that following completion of deliberations of Cabinet, the final draft White Paper on the Reform of the Procurement Regime would be laid in the Senate.

Thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.46 p.m.