

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

IN THE FIRST SESSION OF THE NINTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON DECEMBER 17, 2007

SESSION 2007—2008

VOLUME 2

SENATE

Tuesday, April 01, 2008

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Martin Joseph who is out of the country.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. FOSTER CUMMINGS

WHEREAS Senator Martin Joseph is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of

Senator's Appointment
[MR. PRESIDENT]

Tuesday, April 01, 2008

Trinidad and Tobago, do hereby appoint you, FOSTER CUMMINGS, to be temporarily a member of the Senate, with effect from 1st April, 2008 and continuing during the absence from Trinidad and Tobago of Senator Martin Joseph.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 26th day of March, 2008."

OATH OF ALLEGIANCE

Sen. Foster Cummings took and subscribed the Oath of Allegiance as required by law.

JOINT SELECT COMMITTEES (APPOINTMENT OF)

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

"Appointment of Joint Select Committees - Section 66A of the Constitution

At a sitting held on Friday March 14, 2008, the House of Representatives agreed to the following resolution:

Whereas section 66A of the Constitution makes provision for the establishment of Joint Select Committees of Parliament to inquire into and report to Parliament on the administration, manner of exercise of their powers, methods of functioning and on any criteria adopted in the exercise of their powers and functions by:

- A) Government Ministries;
- B) Municipal Corporations;
- C) Statutory Authorities;
- D) Enterprises owned or controlled by or on behalf of the State or which received funding from the State of more than two thirds of its total income in any one year; and
- E) Service Commissions with the exception of the Judicial and Legal Service Commission.

Be it resolved that the House appoint six (6) Members to serve with an equal number from the Senate to inquire into and report to Parliament on Service Commissions with the exception of the Judicial and Legal Service Commission on

their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions:

The Members are:

Miss Penelope Beckles

Mr. Gary Hunt

Mr. Stanford Callender

Mr. Fitzgerald Jeffrey; and

Two (2) Opposition Members to be named

And be it further resolved that the House also appoint six (6) Members to serve with an equal number from the Senate to inquire into and report to Parliament on Municipal Corporations and Government Ministries/Statutory Authorities/Enterprises owned or controlled by or on behalf of the State or which received funding from the State of more than two-thirds of their total income in any one year.

The Members are:

Miss Penelope Beckles

Mr. Anthony Roberts

Mr. Rennie Dumas

Mr. Mustapha Abdul-Hamid; and

Two (2) Opposition Members to be named

This Resolution is accordingly forwarded for the attention of the Senate at the earliest convenience.”

PAPER LAID

Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the National Maintenance Training and Security Company Limited for the year ended December 31, 2000. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]

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, question No. 4 continues to be elusive. It is on the agenda for the Parliamentary Questions Committee but it has not been approved. Today we are in a position to provide answers for questions Nos. 8, 31, 41, 21, 35 and 37. Three of these are for oral replies and three are written replies. For two questions, the substantive Ministers are not here but we are, in fact, able to provide the answers, so I will be guided by Sen. Mark, who would tell me whether he wants us to provide the answers or to await the arrival of the substantive Minister. The issue, of course, is that supplementals would be better handled by the substantive Minister. So, Mr. President, questions 8, 31 and 41; Minister Joseph is out of the country; Minister Rowley is not here, but Minister Dumas is here and we can, in fact, answer these three.

Sen. Mark: I agree with the hon. Minister that I would need some supplementals and I do not think he will be in a position to respond. Dr. Rowley is not here either, so I want to ask you if you could defer until he arrives.

Question, by leave, deferred.

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

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

- 8.** Would the hon. Minister of National Security inform this Senate whether:
- (i) 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?

**Magistrates' Court
(Details of CAT Proceedings)**

- 10.** Would the hon. Attorney General inform this Senate when she expects to have full computer aided transcription of court proceedings in the Magistrates' Court in Trinidad and Tobago?

**Tertiary Education
(Grant of Financial Assistance/Scholarships)**

- 11.** A. Could the hon. Minister of Community Development, Culture and Gender Affairs 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 benefited 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?

**Mr. Douglas Mendes SC
(Details of Retention of Services)**

- 12.** Could the hon. Attorney General provide the Senate with:
- A. a detailed list of the matters in which Mr. Douglas Mendes SC has been retained by:
- i) the Government of Trinidad and Tobago;
 - ii) the Integrity Commission;
 - iii) the National Lotteries Control Board;
 - iv) the Telecommunications Authority of Trinidad and Tobago; and
 - v) any other state enterprise and/or statutory authority during the period January 01, 2002 and December 31, 2007?
- B. Could the Attorney General also provide a detailed breakdown of the fees paid to the said Senior Counsel during the same period?

**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?

**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 hon. 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?
- C. 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?

**Multimillion-Dollar International Waterfront Project
(Status of)**

- 25. With respect to the multimillion-dollar International Waterfront Project, could the hon. Minister of Planning, Housing and the Environment inform the Senate:

- (i) how many contracts were signed between the State and UDeCOTT, for the management of the project ;
- (ii) the names of any other company that signed contracts with UDeCOTT for project management and construction from the commencement of the project to December 31, 2007;
- (iii) the details of the amount of money paid to each of these contractors;
- (iv) whether these contracts were the subject of competitive tendering or a sole selective basis; and
- (v) if the contracts were on a sole selective basis, what were the rationale and reasons for same?

**Official Residence
(Details of Payments)**

26. A. Could the hon. Minister of Finance provide the Senate with the details of the final cost of the construction of the Prime Minister's residence and Diplomatic Centre?
- B. Could the Minister also provide the Senate with the details of payments of value added tax, income and corporation taxes, and all other corporate taxes by the Shanghai Construction Corporation of China during the period of construction of the said Prime Minister's residence and Diplomatic Centre?

**Conduct of the Chief Justice
(Legal Advice Offered on)**

28. A. Could the Prime Minister make available the official legal advice offered to him by Dr. Lloyd Barnett, Q.C. and Mr. Mark Strachan, Q.C. from Jamaica and the United Kingdom respectively on which his decision to have the President of the Republic establish a tribunal to investigate the conduct of the Chief Justice?

**Economic Partnership Agreement
(Full Disclosure of)**

31. With respect to the recently concluded Economic Partnership Agreement signed between the European Union and Cariforum, could the Minister of Trade and Industry:
- (i) state whether it is the intention of the Government to provide full disclosure of the agreement by having it tabled and debated in Parliament;

- (ii) if the answer to (i) is in the affirmative could this Minister indicate when this would take place; and
- (iii) if the answer to (i) is in the negative, could the Minister explain the Government's rationale or reasons for not wishing to disclose the contents of the agreement?

**Todd's Road
(Status of Land Distribution)**

- 34.** A. Could the Minister of Agriculture, Land and Marine Resources provide the Senate with the rationale, if any, for the allocation and distribution of the 3,000 acres of land cultivated with citrus located at Todd's Road?
- B. Could the Minister also state whether these lands were sub-divided and if so, by whom?
- C. Could the Minister further inform the Senate whether the final distribution and allocation exercise was approved by Cabinet and if so, when?

**Securities and Exchange Commission
(Government's Measures to Strengthen)**

- 42. Sen. Wade Mark** asked the hon. Minister of Finance:

Could the Minister state the measures, legislative or otherwise, the Government intends to take to strengthen and support the Securities and Exchange Commission in its efforts to ensure that companies listed on the Trinidad and Tobago Stock Exchange submit annual reports on a timely basis to allow shareholders to be better able to monitor and protect their investment?

Questions, by leave, deferred

The following question stood on the Order Paper in the name of Sen. Basharat Ali:

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

- 19.** A. Could the hon. Minister of National Security 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?

Question, by leave, deferred.

**Industrial Relations Act
(Amendment To Include Domestic Workers)**

41. Sen. Michael Annisette asked the hon. Minister of Labour, Small and Micro Enterprise Development:

- A. Could the hon. Minister inform the Senate if it is the intention to bring domestic workers within the protection and jurisdiction of the Industrial Court of Trinidad and Tobago by making an appropriate amendment to the Industrial Relations Act, Chap. 88:01?
- B. If the answer to (A) is in the affirmative, could the Minister advise what is the time frame for bringing the amendment?
- C. If the answer to (A) is in the negative, could the Minister explain Government's rationale for not doing so?

The Minister of Labour, Small and Micro Enterprise Development (Hon. Rennie Dumas): Mr. President, the Government of Trinidad and Tobago is at present examining the status of domestic employees within the context of industrial relations legislation, notwithstanding the fact that domestic workers enjoy the protection of the Industrial Court established under the Industrial Relations Act. The Industrial Relations Act, Chap. 88:01 was enacted as Act No. 23 of 1972. The short title of the Act states:

“An Act to repeal and replace the Industrial Stabilisation Act 1965, and to make better provision for the stabilisation, improvement and promotion of industrial relations.”

The Act is one which was passed by votes of not less than three-fifths of all the Members of both Houses of Parliament, therefore having effect notwithstanding sections 4 and 5 of the Constitution. The Act provides for inter alia, the Industrial Court, the Registration, Recognition and Certification Board and a disputes procedure. These mechanisms apply to employers and unions on behalf of workers.

The Act has given a liberal definition of worker, even as it deliberately excluded certain persons from such definition. These exclusions are: public officers; defence force personnel; teachers; Central Bank employees and policy

makers in business undertakings. Domestic workers are also excluded from the definition of worker in the Industrial Relations Act, Chap. 88:01, but do enjoy prescribed benefits under the National Insurance Act, Chap. 32:01, the Maternity Protection Act, No. 4 of 1998 and the Minimum Wages Act, Chap. 88:04, as amended.

In fact, under both the Maternity Protection Act and the Minimum Wages Act, No. 11 of 2000, domestic workers who are not members of a trade union are not debarred from pursuing their grievances or trade disputes under the IRA. Under the Minimum Wages (Amdt.) Act and the Maternity Protection Act, a domestic employee, either directly or via a trade union, may make a report to the Minister of Labour, Small and Micro Enterprise Development and have the matter treated with as a trade dispute pursuant to Part V of the IRA which, according to section 59 of the IRA, if deemed unresolved, may be referred to the Industrial Court for determination.

Section 12(1) of the Maternity Protection Act states as follows:

“Where an employee or employer alleges non-compliance with the provisions of this Act, or an employee’s employment is terminated on the ground of pregnancy or on any ground relating to pregnancy, or there is a difference of opinion as to the reasonableness or otherwise of any action taken or not taken by an employer or employee, the employee, trade union or the employer may report the matter to the Minister and the matter shall be...dealt with as such under the Industrial Relations Act.”

Section 12 also allows the Minister to conciliate or mediate towards the resolution of any grievance arising under the Act. Agreements reached as a result of such conciliation or mediation must be registered and are enforceable at the Industrial Court.

Section 6 of the Minimum Wages (Amdt.) Act, No. 11 of 2000 states as follows:

“21A.(1) Where an authorised officer has carried out an inspection of any premises or place under section 22 he shall submit a report to the Minister within fourteen days of carrying out the inspection.

(2) On examining the report submitted to him the Minister shall, where a breach of the provisions of the Act is identified, deem the report to be made pursuant to section 51 of the Industrial Relations Act, and the report shall be treated with in accordance with the provisions of Part V of the Industrial Relations Act.

22B. (1) Where—

- (a) a worker alleges non-compliance with the provisions of this Act;
- (b) a worker's employment is terminated on the ground of his refusal to accept terms and conditions less than provided for under a minimum wages order;
- (c) there is a difference of opinion as to the reasonableness of any action taken or not taken by an employer as to the suspension or dismissal of a worker consequent upon the making of a minimum wages order,

the worker, the recognised majority trade union or, where there is no such union, any union of which the worker is a member, may complain to the employer, in writing, in respect of any matter identified in paragraphs (a), (b) or (c) seeking to have it rectified.”

1.45 p.m.

“22B. (2) Where the employer fails to rectify the matter within fourteen days of the said complaint, the worker, the recognized majority union or, where there is no such union, the union of which the worker is a member, may make a report to the Minister in writing.

(3) Upon such matter being reported to the Minister and where a breach of the provisions of the Act is identified, the Minister shall deem the report to be made pursuant to section 51 of the Industrial Relations Act and the report shall be treated with in accordance with the provisions of Part V of the Industrial Relations Act.”

Domestic workers, therefore, have access to the Industrial Court and do enjoy protection in minimum wage and maternity matters. Part C of the question is not applicable, given the foregoing.

Thank you, Mr. President.

Sen. Mark: Mr. President, I have another supplemental related to the question.

The hon. Leader of Government Business did not proffer a time frame for the answers to the various questions for which he sought deferment. I bring to his attention, through you, that it is becoming increasingly frustrating and, I think, disrespectful to this House for the Government just to rise and give excuses week after week. I would like to ask the hon. Minister, through you, before I have to move a Motion of No Confidence, when he can give you and us a time frame for the answering of questions Nos. 10, 11, 12, 13, 15, 16,19, 25, 26, 28, 31, 34 and 42.

All I ask is for him to give a time frame. We are now three months into the parliamentary session and all these questions have qualified since the beginning of the session and none has been forthcoming in terms of answers.

Sen. Enill: As a former government Minister, Sen. Mark is being a little theatrical. When a Minister is requested to answer a question about an agency for which he has responsibility, he himself must await the information from the public officers who are responsible and who have this data. If it were possible to bring sanctions against individuals who, having been requested by the Parliament to provide answers, do not so do in the time frame requested, we would so do.

Sen. Mark understands that the process is as follows: the question comes to the Government; it goes to the particular agency; the agency is requested to do the research to provide the answer. The answer is returned to the Minister who determines whether it meets the requirement for the Parliament. If it does, he takes it to the Parliamentary Questions Committee where a subcommittee either approves it or requires additional information.

In the instant case as it relates to question No. 4, as a member of the Cabinet, I am aware that we are attempting, because this is an issue that has been around for a long time, to give the Parliament the fullest disclosure. That matter involves legal issues and therefore we need to consult to determine what can and cannot be put into the public domain. How in heaven's name is an approach like that disrespectful? What the Government seeks to ensure is that it protects individuals involved in issues. How is that not correct?

We give him the undertaking that we are moving with haste, also recognizing that individuals have rights that we must obey and we will do what is right despite what he thinks. If Sen. Mark believes that there is another way to do it and if he has the answer and gives it to me, I will give it to the persons and we will bring it.

At this time, we are doing what we have to do in order to ensure that when an answer is given we give the correct information to the Parliament. We are also Members of the Parliament and would like to know the answers to some of these questions. Therefore, it is my view that within the next week many more questions will be answered. In fact, I have been advised that three of the questions have been approved this morning and a further four sent for review. We expect that the process will continue and we will get there.

Sen. Ali: In response to the hon. Minister's statement—

Mr. President: I thought you had a question, but this is not a debate. I have allowed the leaders of both sides to have their say and this is as far as this goes.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Wade Mark:

**Chinese Nationals
(Status of Residency)**

- 21.** Could the hon. Minister of National Security provide the Senate with the names, profession, occupation and/or company or corporative association of all Chinese nationals who have acquired resident status in Trinidad and Tobago during the period January 01, 2002 to December 31, 2007?

Vide end of sitting for written answer.

ARRANGEMENT OF BUSINESS

Sen. Wade Mark: Mr. President, I seek leave of the Senate to deal with Motion No. 5 before Motion No. 1.

Mr. President, please allow me a few seconds to explain why this proposal is being made. It has to do with the fact that when regulations are tabled subject to negative resolution, anyone wishing to challenge those regulations under the Interpretation Act is required to submit a motion within the time frame of 40 days. Forty days will be up on Sunday next, hence the consultation with the Leader of Government Business, and we have agreed to debate this Motion today.

Question put and agreed to.

**NATIONAL INSURANCE BOARD REGULATIONS
(ANNULMENT)**

Sen. Wade Mark: Thank you very much, Mr. President. I beg to move the following Motion standing in my name:

Be it resolved that the Senate annul the National Insurance Board Regulations, 2008.

I draw to your attention the following information. On Tuesday, February 26, on the Supplemental Order Paper, the following regulations, in the name of the National Insurance Board, were tabled in this honourable Senate.

- the National Insurance (Contribution) (Amdt.) Regulations, 2008;
- the National Insurance (Benefits) (Amdt.) Regulations, 2008;
- the National Insurance (Medical Expenses) (Amdt.) Regulations, 2008; and
- the National Insurance (Prescribed Diseases) (Amdt.) Regulations, 2008.

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As I said earlier, there is a procedure to ensure that if anyone were to challenge these regulations, it has to be done within a prescribed time frame and that is 40 days. It is important that I bring to the attention of this honourable Senate some of the implications of these regulations.

We have taken for granted that this National Insurance Board, established on April 10, 1972, some 35 years ago, would really look after the interest of the ordinary citizens who are insured with the NIB. We have observed over the last few years, and particularly with the coming into being of the PNM from 2002 to the present time, the introduction of draconian regulations designed to frustrate, deny, and make it extremely difficult for workers in our country who are insured with the National Insurance Board, to access the benefits to which they are entitled.

The National Insurance Board today collects some \$2 million every hour in contributions. They spend almost \$.5 million a day on administrative expenses. Over 500,000 citizens are now insured under this arrangement and if you multiply it by one dependent, it is over one million citizens who are covered by the system. So it is the largest social insurance security scheme in the Republic of Trinidad and Tobago.

2.00 p.m.

Mr. President, as of June 30, 2008, the asset base of the National Insurance Board would be \$18.3 billion. That demonstrates the importance and significance of this institution called the National Insurance Board. But what I have observed is that the National Insurance Board, over the last four years, has increased its contribution rates for you, me and the citizenry of this country by close to 200 per cent; from \$68.04, at the end of 1999, to \$201.08 at this time as we speak.

What is even more alarming is that we are being told that come January 04, 2010, we would have to dip in our pockets to pay more NIS contribution rates and come January 04, 2012, we would be called upon to pay more NIS contributions. We have just learnt from the hon. Minister of Finance that because of demographic changes, we are going to be called upon as a community, to expend more money in the NIB, through contributions in the coming years.

But I will demonstrate today, the mismanagement, the poor investment decisions being taken by that institution and the flagrant abuse of the law by the NIB, through the Government, as it relates to the percentage of moneys that are allocated by law and that they could spend. They have gone above that limit, over the years.

I raise these points to show you and to demonstrate to this honourable Senate that whilst the NIB cannot account for the \$600 million, they continue to be very punitive, oppressive and insensitive to the needs of the ordinary people in our country.

We must go back to the rationale for the introduction of the NIS in Trinidad and Tobago. When it came into being in 1972, less than 30 per cent of the population of this country had insurance coverage, or some form of coverage for when they are old. These are employment injury benefits, survivor benefits or orphan benefits. These things were not known to ordinary workers. It was a very positive move to bring into being this institution called the National Insurance Board. But what has happened over the period? We have allowed the NIB to bring to this Parliament, a number of measures without any explanations whatsoever. They have given us no explanation. They have just tabled new regulations in this Parliament. If you do not have a sharp eye to look out, you, I and the citizens are going to be denied critical benefits that we are entitled to.

I want to bring your attention—I would like the hon. Minister in the Ministry of Finance, Sen. The Hon. Mariano Browne, to tell us today whether the NIB has been guilty of an illegal act—that we have several regulations before us today. The first one deals with the National Insurance (Contribution) (Amdt.) Regulations, 2008. If you were to go through these regulations, you would see on page 3, a table focusing on the earnings classes and voluntary contributions from January 07, 2008. It is based on 10.5 per cent contribution rate. Those tables are extended to pages 4 and 5.

The NIB places in the Parliament, tables relating to contributions from self-employed persons in the country. It is a good step to get self-employed people into the NIS arrangement. Do you know what? You and I who are called upon to pay compulsorily and to make compulsory contributions to the NIB, on a weekly or monthly basis, are being called upon to do so. We ask the question whether the NIB is doing so legally.

I want to refer you to Act No. 30 of 2007. It came to the Parliament some time in September of 2007. From page 5, right on to page 19 of the Finance Act, references were made to tables that would focus on contribution rates, conversion rates and benefit entitlements. We are told this page after page, clause after clause, and section after section. Nowhere in this Bill could we have located tables. Where are the tables? All we got were words and there was no evidence or tables to back up the words from page 5 right on to page 19. Now, this has to do with new rates of contributions that are being charged from January 07, 2008. You cannot find

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anywhere, either at the NIB, in the Parliament, or at any employer's outlet, the conversion tables, the contribution rates and the benefit allowances tables that the people of this country are entitled to.

Mr. President, I want to draw your attention to Act No. 9, of 1999. It was the UNC that saved the NIB from collapse in this country. If we did not take action by increasing contribution rates, after the PNM was in power for 30-something years, the NIB would have been no more today. We took the bull by the horns and increased the contribution rates. Consequently and correspondingly, we increased the benefits that people were entitled to.

Do you know what was done? Act No. 9 of 1999, an Act to amend the National Insurance Act, was brought to this Parliament and all the changes that were made by the UNC administration then, were brought to this Parliament and they were in the form of an Act. Accompanying that Act were tables.

Similarly, the PNM in 2004, when they increased contribution rates, brought an Act called Act No. 9 of 2004, which was an amendment to the NIS Act, and they detailed all the tables. All the tables were in the Act, the conversion table, the contribution rates and the benefits that you were entitled to were here. This Government has increased the contribution rates and to this date, this Government has not brought an amendment to the National Insurance Act.

The NIB is charging people the new rates as from January 07, 2008, without any legal authority. They have no legal authority. No Act of Parliament has been approved, giving the NIB the authority to do what they are doing today. I call on the hon. Minister in the Ministry of Finance, Sen. The Hon. Mariano Browne, to tell this country who gave the NIB the legal authority to go into my property, which is my salary, and deduct moneys without the legal authority of the Parliament? They are doing that to 502,000 citizens in the Republic of Trinidad and Tobago. We are calling on the Minister to tell this country today: Where did the NIB derive its legal authority to be deducting moneys, when they have not been given the official approval from the Parliament, as was done by the UNC when they increased the rates, Act No. 9 of 1999, as was done by the PNM in 2004, Act No 9 of 2004. Where is Act No. 9 of 2007? You cannot go anywhere. The NIB does not have this information available, but they are deducting moneys from the population of this nation.

This is a very serious matter. I believe that the Minister in the Ministry of Finance must tell this country why this is taking place. Why was there a new schedule of insured earnings and contribution rates, which the NIB claimed was approved? By whom was it approved? I do not know. Was it Mr. Calder Hart? Did he approve that without legal authorization? I do not know.

Mr. President, under the law, a citizen is guaranteed the right to the enjoyment of property and could only be deprived of such by due process. Where is the Act of Parliament that imposes these new rates of contributions on 500,000 employees and over 17,000 employers in the country? We want the Minister to tell us today, why is the NIB breaking the law? That is one aspect which is very serious.

2.15 p.m.

Mr. President, the other area I wish to draw to your attention is that the NIB is a national scandal in this country. I would demonstrate to you from the 7th Actuarial Report of 2007, where the actuaries from the ILO are telling us that we do not have to pay any further increases in the contribution rates up to 2055, but we are being told by our Minister of Finance that because of demographics, we would be called upon to pay more increases, in terms of our contributions to NIS.

So, these scientists who have done their work—they have a methodology—in arriving at their figures, we have somebody else telling us that what these scientists indicated in their report is wrong, and the Government is saying something else. Mr. President, I would say more about this matter in due course.

Mr. President, what I would like to go to is the NIS (Contribution) (Amdt.) Regulations. I go now to section 4 of the National Insurance (Contribution) (Amdt.) Regulations of 2008, and it reads as follows:—

“Regulation 5 of the Regulations is amended—

(a) by inserting after subregulation (1), the following subregulations:

‘(1A) An employer shall keep the record referred to in subregulation (1) for a period of seven years or until audit by the Board, whichever is later.’”

They are telling employers in this country—the Board of Inland Revenue gives employers up to six or seven years to hold their record. In 2008, the NIB is telling employers in this country to keep their record until seven years and, in addition, if their accounts are not audited within a seven-year period, they said you have to keep it forever until they come to audit. So, you have to build a warehouse to accommodate the NIB. So, the NIB is riddled with inefficiencies, and they are telling employers in this country that they have to hold on until they come.

How can a Government with Calder Hart at the head—I will say more about that gentleman when it comes to the Act in a short while—the Government has representatives on that board—allow such a regulation to be agreed upon and table it in the Parliament? How? It does not make sense. This is going to lead to greater costs for the employers who will ultimately pass on these costs to the consumers. They are asking for the period of seven years to be observed or

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until—and we believe this is a backward step. This is unacceptable and indefensible for the NIB to come and agree to this, and table it in Parliament for us to swallow! How can we support that! We see no justification for that! We are saying that the PNM must take full responsibility for these measures that are here today. It is because of the NIB's inefficiencies to audit the books of employers on time that they are now telling us to agree to this particular regulation.

In this Senate, we are saying that the NIB must put its house in order and not pass on the cost to employers in the country. We completely reject this regulation that they have imposed on the country.

Mr. President, I want to go to the law, and I am going to show you how the PNM under the hon. Prime Minister, Mr. Patrick Manning, continues to flout the laws and disrespect the laws of the country. Under section 3(2) of the National Insurance Act, Chap. 32:01, it specifies how the board is made up and 2(d) says:

“a person, who in the opinion of the Minister, is independent of the Government, Business and Labour, who shall be the Chairman;”

May I repeat this for you? The law says that the chairman of the NIB should be a person, in the opinion of the Minister of Finance, who is independent of the Government, independent of labour and independent of business.

Mr. President, let me bring to your attention the mockery and disrespect and total and absolute contempt by this Government as it relates to the law of this country. Everyone knows when the former NIB chairman, Mr. Ken Henry, served in that capacity. Mr. Calder Hart represented the Government. He was a Government representative on the NIB during the rule of Mr. Ken Henry, who is no longer there.

The Government of Trinidad and Tobago, under the Minister of Finance, the Prime Minister, hon. Patrick Manning is the person who appointed Mr. Calder Hart as the chairman of the NIB, knowing full well that Mr. Calder Hart, just two years before his appointment, was a representative of the Government, and the Act says that the chairman must be “independent of the Government, Business and Labour”. How can Mr. Calder Hart be independent of the Government when he was serving as a Government director on the board? Mr. President, is this not a violation of the law? Is this not a breach of the law? It is the Minister of Finance, the Prime Minister, the hon. Patrick Manning, who appointed Mr. Calder Hart as chairman. The pressures that are being brought down on workers since 2003 and 2004 are as a result of poor investment decisions.

We are told—and I want the Minister of Finance to deny it today—that the Government of Trinidad and Tobago borrows hundreds of millions of dollars from the NIB at less than 2 per cent rate of interest. I would like to know: what is the rate

of interest that the Government of Trinidad and Tobago borrows our money? The Government is telling me that I have to pay more contributions, and the ordinary persons in this country also have to pay increased contribution rates. We are being told that the Government, through Mr. Calder Hart, is borrowing money from the NIB at less than 2 per cent!

Mr. President, if you take that same money that the Government is borrowing from NIB and invest it properly at 5, 6 and 7 per cent, the returns it would get on the investment income would not require us to pay any increases in rates of contribution. So, because of mismanagement, corruption and the misuse and abuse of office, the population of Trinidad and Tobago is being called upon to stomach an increase in the rate of contributions, because the Government of Trinidad and Tobago is “chinksin” and cheating on the population. How can the Government cheat in that way? It should lead by example! The Government is punishing the working class of the country when it borrows at less than 2 per cent. I am going to tell you more about that matter.

In 2007, the NIB collected \$1.5 billion in contributions from the citizens of this country. The actuary, in this report, projected that if the NIB invested its money wisely, at the end of 2007 the NIB would have received investment income amounting to \$1.4 billion. Do you know how much money the NIB collected at the end of 2007? It collected less than \$900 million, and there is where you have a deficit.

So, whilst the actuaries are saying to the Government to invest the money from contributions wisely, and it will be able to get a rate of return on investment income at the end of each financial year amounting to \$1.4 billion—do you know how much money the Government collected on investment income last year? Mr. President, less than \$900 million. The actuaries said that if the money is invested wisely, they would collect \$1.4 billion. Do you know what is happening? The Government is robbing the people! The money that is supposed to be invested at 8 and 9 per cent, so that we can get returns on it, the Government is borrowing that money at 2 per cent, and they are punishing the working people of this country.

I would like the Minister of Finance to tell us—the time has come to level with the population—how much money has the NIB loaned to the Government since it came into power? The Government has been in power since 2002. The Minister should tell us how much money they have borrowed from the NIB, at what rate of interest and to do what. Tell the country!

Mr. President, let me just go to another regulation under contributions. With respect to Regulation 10, hear what the NIB—this is a caring institution here. I am

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coming to the distinct, and inescapable conclusion that the NIB has lost its focus on its mandate to the country. It seems that the NIB is more concerned in collecting contributions and denying people benefits.

2.30 p.m.

That is the scheme of the NIB today, pay money, receive no benefits, and they are frustrating you. I will give you an example; go to clause 10 of the same regulations. Hear what the NIB is proposing:

"Where the Board is satisfied that the insured person did consent to or connive at or by any negligence on his part, cause the late payment or failure to pay contribution, then that contribution or purported period of employment shall be disregarded in determining the insured person's benefit."

So, under the law, the employer is responsible for deducting my national insurance contribution and I pay one; you pay twice times what I am paying. The board is saying that if they are satisfied that you, who are insured, consented or connived or in any way was negligent, caused part of your contribution to be paid late or if you failed to pay, that contribution that you did not pay for the period of time will be disregarded in determining the insured person's benefit. Now, what is the rationale for that, Mr. President? There is no explanation.

We have no explanation from the NIB as to why they want to do this kind of thing to workers. What is the evidence that there is connivance and why put the burden of proof on the employee, when the employer is responsible under law for deducting moneys from people's salaries? Why must they do this? Is this fair? Is it necessary? It represents an infringement on the workers' rights to the enjoyment of their benefits in accordance with the law. The NIB is putting the burden of proof onto the shoulders of the employees for remittances and this is contrary to the law. They bring this regulation here and say we must approve it. How can we break the law when the law says the onus is on the employer? You are now saying that the onus is on the employee and you would sit in a room and be satisfied that there is connivance taking place there. How can you do that?

Again, this regulation ties into the inefficiencies of the NIB to properly and speedily audit and monitor employers. If you were monitoring and auditing the employers' books on a regular basis this would not arise, but they are not doing it and they are putting the burden of proof on the worker. Is that fair? Is that what this Government is committed to? When the Government talks about caring, is this what caring is about? You are tearing people apart.

The circus continues at the NIB. The next set of regulations: The National Insurance (Benefits) (Amdt.) Regulations. The whole set of regulations are designed to do one thing and one thing only, frustrate, deny and make it more difficult for workers to access benefits under the NIS arrangement; that is what this about; to frustrate workers.

You know whilst they are frustrating workers, they spent close to \$600 million above the 9.5 limit that is legal and nobody has gone to jail yet at NIB. No accountability for \$600 million that they overspent at NIB in administrative costs up to 1999. It was Brian Kuei Tung who made a recommendation. He recommended that whatever the actuaries advise on the limit for expenditure will become law and removed from the law the 9.5 limit. Even though we have removed the 9.5 limit from the law and we left it up to the recommendations of the actuary, NIB has overspent in the last two years more than \$10 million. What is the Government doing about that?

Mr. President, I want to ask you to travel with me, page 3, item 5, regulation 7. You see on page four (ii), in paragraph (e):

"by deleting the words 'three months' and substituting the words 'fourteen days';"

You know what that means? If this is not criminal conduct on the part of the NIB, I do not know what is. When the NIB was introduced in this country on April 10, 1972, workers were given six months in order to make a claim for employment injuries. The NIB sought and they were successful in reducing the period from six months to three months. You know what this bunch of criminals are proposing now? They are saying that if a worker is injured—Sorry, Mr. President, I withdraw that, Sir.

Mr. President: Thank you.

Sen. W. Mark: I feel very passionate about it, Sir, but I withdraw it. When you take that kind of advantage of workers, I am hurt and I express myself accordingly, but I withdraw the word "criminal".

How can you reduce the period of time of three months to 14 days? What is the purpose of doing that? How can the Government bring regulations here to deny workers? For example, let us say a worker is involved in an accident and that worker is in intensive care unit, the man or woman is there for 21 days; they are saying you have nothing to get, because if you do not submit your claims within 14 days, you lose your benefits. How can this be fair? How can we support such an amendment? How can the NIB propose such a draconian measure? We call on the Government to withdraw these regulations. These regulations are draconian, insensitive, oppressive and they are not designed to promote the interest of the ordinary people of this country.

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. A. Nanan]

Question put and agreed to.

Sen. W. Mark: Thank you very much, Mr. President. I would not burden you too much again with the benefits. All I can tell my hon. colleagues is if you go through this list of benefits, every benefit that the worker has struggled for, for the last 35 years, all are being frustrated. They are being denied and they are being made more difficult for the workers to access. Every benefit here that they tampered with is designed to frustrate the workers of the country.

There is another regulation called "Medical Expenses". If you look at it, it would appear to be innocent. They say, listen, in regulation 12 insert after the word "payments" the words "where a person is employed". And you say, look that is no big thing, but you have to go in the regulations to see what this means. It is another attempt at denying and frustrating the payment of benefits to ordinary people of this country. Hear what they are saying in regulation 12:

"Where, in the opinion of the Board, it is necessary that an insured person should have constant attendance and care, the Board shall make weekly payments for this purpose."

But after payments, they insert the words "where a person is employed". Hear what used to happen before this amendment came before this honourable House on February 26. If a gentleman or person is injured and his wife, who is employed is taking care of him—this is under "Medical Expenses and Prescribed Diseases" only—what would happen is, his wife would have received what is called a "Constant Care Allowance", and the maximum that could go is \$1,081.51. You know what the NIB is now proposing? They are saying that if you get ill you cannot be employed and take care of your wife or your husband. If you are employed for more than \$8,000 a month, you will not be able to access the \$1,081.51.

What the NIB is saying in this amendment, give up your job of \$8,000 a month and they will give you \$1,000 in exchange to take care of your wife or husband. That is what the NIB is doing in this measure. Why is the NIB so oppressive? Why are they taking advantage of ordinary people in the way that they are doing? How can we accept this amendment?

Mr. President, let me bring to your attention as I am on this particular subject, something that has not reached us as yet, because the NIB for some reason, through the Ministry of Finance, has not brought to the Parliament an amendment to the NIB Act. Under "Medical Expenses", the NIB has increased the maximum liability from \$18,000 a year to \$22,500, but hear how this thing is broken down. Doctor's visit, if you get sick, as a worker, or you are a pregnant woman and you want attention, hear what the NIB is proposing, \$47 a visit. Tell me where in Trinidad and Tobago you can go and get medical attention at \$47. It is worse than that.

2.45 p.m.

NIB says to you, you better get sick between 8.00 a.m. and 6.00 p.m. because "if you ain't sick during that time, don't go to no doctor, we ain't paying yuh." You must get sick, Mr. President, between 8.00 in the morning and 6.00 in the evening, otherwise "crapaud smoke your pipe". Do not get sick at all! Now, is this not comical on the part of NIB? This should be removed from the Medical Expenses Regulations which we have not seen as yet.

Hon. Senator: Nobody has seen it.

Sen. W. Mark: Yes, and hundreds of thousands of people have not seen it.

It was \$37.50 in the past; they have gone to \$47. Imagine that, from \$37.50 a visit to \$47 a visit. Specialist visit—do you know how much they are telling you if you want specialist care? NIB would pay you \$117. That is what you get to go for a specialist visit or care, and please go between 8.00 in the morning and 6.00 in the evening; otherwise you would not be able to enjoy the \$117. For drugs and dressing, \$775; hospital expenses, \$233 per day, including the cost of investigations, drugs and X-ray. Mr. President, where can you go and get, for instance, medical and hospital care at \$233 a day? Operations—they say if you have a minor operation, \$620; a major, \$2,480; a MRI, "ah hear" is up to \$2,000 now for each body part. I do not know if that is possible in Trinidad and Tobago.

The last area in terms of regulations—another attempt at frustrating the claims of ordinary people so that they would not enjoy their benefits—this NIB is designed, apparently as I said, only to receive contributions and not to pay out benefits. It appears to us that the NIB is now becoming the second layer of tax deduction. I want to make it very clear in coming down to the end of my contribution, the honourable Prime Minister of this country went to this country two years ago and faithfully promised the nation, "I will increase retirement pension—NIS—from \$300, \$400—\$1,000"; without any advice from the actuaries. Do you know what was the end result? When the people of this country felt that the Government was

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going to use gas and oil revenues to fund that, do you know who ended up funding it? It was the ordinary contributors in this country. It was the employers and the employees. So he worked a trick on the people in 2006. He came back in 2007 to buy votes, and he said, “listen; we are going from \$1,000—\$2,000”. The NIB danced to his music and danced to his tune, it went to \$2,000. But do you know who is paying for it, Mr. President? It is you and me!

The Government of Trinidad and Tobago has not funded that gap. So it means, that what is taking place today in our country is that the Government is putting an extraordinary burden on the ordinary people. So old age pensioners who are now known as senior citizens in this country, when they believed what the Prime Minister said, that old age pension gone up by \$300—\$1,650, what they did not know is that the sting was in the tail. When you get your \$2,000 from the NIB the only difference you will get from the old age pension institution or department is \$500. Do you know why? The ceiling has been placed at \$2,500 per month. So the Government has tricked the country, fooled the elderly, fooled the pensioners in this country, and they are crying blood right now, because you know what they felt? They said: “I retire, I am getting my \$2,000 from the NIS and I am also going to get my \$1,650 from old age pension—Senior Citizens Grant”. “Eh heh”, not at all! That is not for you!

Mr. President, there is a lot of scheme on the part of this Government, mamaguying the country and fooling the people. I am predicting, what this Government is about in terms of social security, is to make every single citizen, whether in the private sector or the public sector pay from their pockets for their own retirement. I believe the Government is on a scheme to take out in the not too distant future, at least a minimum of 30 per cent of workers salary towards the social security system in this country. The Prime Minister has gone on record in 2005 in his budget statement saying that everybody must fend for themselves in terms of welfare and retirement.

Mr. President, you look at the last one I have here, National Insurance (Prescribed Diseases) (Amdt.) Regulations, again, you look at the amendment, it is designed to restrict the quantum of payment under the system. It is designed to frustrate and to prevent workers from receiving their benefits. This is to prevent the NIB from entertaining any further benefits whilst the person is in recovery from the first attack of disablement, whatever the person would have been experiencing. So it is all designed to frustrate and to limit the payments to people.

I want to tell you that the ILO Seventh Report indicated how much we will be collecting in contribution income from 2005/2006 right up to 2054. They said by 2054/2055 the NIS would be collecting in contributions \$22.4 billion, and by the end of 2055 their investment income should be something like about \$11 billion or thereabout. So in other words, if the Government were to wisely invest our income from the contributions that we make, I do not believe there is any need for us to increase future contribution rates. Just as well, it is my view and I will make an argument very shortly in this Parliament for a reduction in fuel prices and not the removal of fuel subsidies in this country. I will expose this Government in terms of how they go about scheming the country—we are subsidizing gasoline in this country by close to 60 per cent because of taxes they placed on us, and they come to tell us about they want to remove—but anyway that is for another debate.

Mr. President, we are totally opposed to these draconian, insensitive regulations. Totally opposed to them! I call on the hon. Minister, through you, to look at these regulations once again and at least withdraw them so that we can all benefit from a further study of these measures.

I thank you very much, Mr. President.

Seconded by Sen. Dana Seetahal SC.

Question proposed.

Sen. Dana Seetahal SC: Thank you very much, Mr. President. Let me start off by making a suggestion that the time period for nullification of any regulations should be increased, because what has happened here is that four sets of regulations were tabled on February 26, and apparently, they only qualified to be put on the Order Paper on March 24. Now, we were given our Order Paper and it was fifth on the list, so no one could rationally know that it was going to be debated today. What happened is that perhaps the Government and the Opposition may have known through direct communication between them, but Members of the Independent Bench did not know until just before Sen. Mark spoke.

Now, this is not part of the blame game. I am not saying that anyone is necessarily to blame; they may well be, but I am not saying that at all. What I am saying is that when you have regulations of this importance and you have such a limited time, then the purpose of having that provision in the Interpretation Act is defeated, because until the last hour—luckily Sen. Mark talked about an hour—I did not have sight of those regulations since they were last laid, so most of us here would not have had time to study what the implications of those regulations were. Therefore, I would hope that earlier notification be given, even if it is a day before, when a nullification of any regulations is proposed, and also that time period of 40 days be amended to 60 days.

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I know we have a lot of pieces of legislation to come before the Senate, but I would hope—I see Mr. President is occupied—through, Mr. President, to the Leader of Government Business, that with those many itty-bitty pieces of legislation, you can put them together in a miscellaneous provisions bill, so we can get a move on with a lot of things that need to be amended and this is just one item.

Hon. Senator: That is right.

Sen. D. Seetahal SC: We have come here week after week for one-liners, as you would say, and one would hope that you could put 20 one-liners in one package and we can actually correct these deficiencies. So that is that.

Now, Sen. Mark, in his presentation, stated as a fact that there is a sum of \$2 million being paid every hour to NIB, I think it may very well be about \$200,000, because I worked my mathematics and if one looks at what he said is the total per month, \$1.5 million, it would have to be \$200,000. But taking away a zero is neither here nor there when you are talking about figures of that ilk. [*Laughter*]

Sen. Mark: Mr. President, on a point of clarification. I will find the section for her. It is in this report—[*Sen. Mark holds up report*—where the ILO actuary stated that the NIB collects \$2 million an hour. It is in this report here, so I will find it for her, Sir. It is not \$200,000.

Sen. D. Seetahal SC: I appreciate that, but when I multiplied \$2 million by 24 it came up to \$48 million a day and when I multiplied it by 365 it came up to \$17 billion a year, so I do not know if the ILO—

Sen. Mark: But there are 274 working days.

Sen. D. Seetahal SC: Yes. I do not know if they were talking about working days and then only working hours; they might very well have been. So at the end of the day it comes up to about \$1.5 billion. By any stretch of imagination that is a lot of money. That is a lot of money to come from employers and employees of Trinidad and Tobago of half a million people. This law was passed in 1971 for a compulsory national insurance. Now, it is not a regular kind of insurance where I am right now taking out an insurance, I have a proposal, I have a policy, I know what the terms are; the insurance cannot change that willy-nilly and it is only in rare cases annually they would tell you that they want to increase the rates.

3.00 p.m.

What you have here is State-controlled insurance by force. The State can tell you that they are increasing it and you have no choice, and that is what is happening with the Contribution Regulations that we have. It is four sets of regulations and I take the proposal of Sen. Mark to mean, that the four sets of regulations: the

Contribution Regulations, the Benefits Regulations, the Medical (Amdt.) Regulations, and the Prescribed Diseases (Amdt.) that all those four are to be shut down or at least they should not become law.

Now coming back to my original point that we are talking about compulsory insurance, that Act was passed despite its inconsistency with the fundamental human rights sections of the old Constitution. It was not passed with a special majority because there is no such indication and under the old Constitution, the requirements were somewhat different. But nevertheless, there is a recognition that it was a deprivation of property by State force. In other words, the State says so and we had to do so.

Now, the law also enables—as it stands, it does enable—the Board to increase the contributions. Sen. Mark made the point, whether or not increasing it by virtue of a regulation was legal, should we not amend or should the Parliament not have to amend the actual parent Act in order to do this. Now, if one looks at section 44 of the parent Act, it provides that the board may increase the voluntary contributions. It provides that the board may pass regulations to increase or fix the rates of the voluntary contributions.

I, like Sen. Mark, have concerns that the board in this case, should have the power to fix rates which are about 100 per cent from what I know that they are. I cannot tell you flatly, but if I look at what the rates are in those tables and I know the rates that I pay as an employer, it comes down to about 100 per cent that you all will have to pay and employees will have to contribute 100 per cent more than they did before. I instinctively find that that is not right. I do not think that a board should have that kind of power, even though it says here that the board can fix the rates. The fact that it is compulsory, is really a contradiction when you talk about voluntary contributions.

These contributions are not voluntary, they are by force and if it is that a State-appointed board is fixing rates, then we should know—everyone of us here in Parliament and every citizen in this country—why it is that the rates are increased or are to be increased as they are. I do not know about any other Member of Parliament, but I have heard no reason given. Maybe I have to turn the pages of the newspapers or listen in on the talk shows, but as far as I am concerned, I have not seen any advertisements or any literature.

If you have an insurance and you and your insurance company have a relationship, if they are going to increase the rates, they would send you about 10 pieces of correspondence telling you why. Usually, it is not justified, but they

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always tell you that, “You know, we are going to adjust the rates”—which means increase by the way—“because such and such is the situation.” But at least NIB could give us a reason, “Well, we are going to adjust our rates at 100 per cent or 150 per cent because of all of these things” and I would like to know what could be the reasons.

I do not know if any Member of this Parliament has ever made a claim to the NIB. I have been paying as an employee right up until last year and as an employer maybe about four years, but in all the years that I have worked—over 30 years—I have been paying National Insurance, so it should be almost a percentage of that million dollars and I have never made a claim. First of all, one hears stories about how difficult it is to make a successful claim and how long it takes. Unless you are pregnant and you have been making contributions for approximately two years or something like that, you would only get one lousy month’s salary. That is all. Everyone else will have to wait until they retire and if they do not earn more than a certain amount, then they do not get it. So all this injury benefits and so on are very few and far between and you have to be practically on the breadline to gain it and that is my perception. It is the perception I dare say of many, many people. So I would like to know what about all of this \$1.5 million.

Let us say they use \$.5 of that to maintain themselves, that \$1 billion a year, how much of it is paid out? I do not want to go and look through the droning of the annual report to try and read between the fine lines, I want to find out how much is paid out in contributions; what do you do with the rest; and why is it that I now have to pay an increase? Usually, you would have to pay an increase if you find that the expenditure of the institution is now threatening to be higher than what you are getting. If that is not so, let NIB tell us why it is they want us to pay this high increase and let them tell me if I am wrong with my mathematics when I say I am going to be asked to pay more than 100 per cent. I am sure somebody out there—and I do not know why they are not sitting here to be able to answer the questions, but they are probably looking now as we speak on that Channel 11, which is the Parliament Channel and I would hope that they would call in before and let some Member here know the rhyme and reasoning, the rationale.

The State, through NIB, is in a peculiar position. The State can tell any citizen, “Tomorrow, we are passing legislation; we have a majority here and you are required to do these things.” But the State should not employ the heavy hand, and by extension, NIB ought not to be allowed to do so. We should not be required to be forced to pay insurance from which we do not benefit. Every one of us here already has some insurance I dare say, or I hope that you do, and every one of us pays good

money for medical expenses. You might have the benefit of the drug, CDAP, thank God, but hardly, I do not think anyone of us can say that they go to NIB and make a claim, or if you have, could you tell me how long it took for you to get it and what did you get?

If these regulations are to be of any significance or any benefit to the people of Trinidad and Tobago, then we need to know—every one of us—how and when we can make a claim, but more importantly, we need to have some explanation as to why there is this increase, one. And two, there should be some kind of PR by NIB to make it clear to the populace, how the NIB can facilitate their making claims.

I have the impression, I might be wrong, that the people in NIB, not necessarily the mortgage people—I have dealings with them and I find they are reasonable people—but in general, the benefits department and so on, maybe it is because they have been given no directives. But I have the feeling they are quite content to stay there and keep this whole issue of claims and benefits shrouded in mystery, so all of the profits in NIB could multiply and multiply and maybe they would be the most successful State agency because they would be getting funds and they do not have to expend any. So I think that until there could be some explanation for that, these regulations should not be allowed to become law.

Thank you very much. [*Desk thumping*]

Sen. Mohammed Faisal Rahman: Thank you, Sir. Having heard Sen. Mark today, on the matter of the National Insurance amendments, I am really very struck by the significance of this attempt by a government agency so to violate the rights and privileges of the ordinary citizen.

When the National Insurance Scheme was brought on stream in 1972, it was clearly intended to benefit the citizens; it was not intended to be financing loans for Government's wild spending. And to hear today that Government borrows from the National Insurance Board at the rate of less than 2 per cent, is the most shocking bit of information that I could have had here today. The repo rate I believe is 8 per cent and more. You cannot borrow money from the bank for less than 24 per cent and that is if you do not have a very special relationship with your bank—it is to my mind criminal, that the Government should access the people's funds for its own spending at such a disadvantageous rate.

But we have been hearing from Government Ministers that we, ordinary people, do not have any rights to decide what the Government should do with our money. Once the funds are available, the Government can in fact expend our funds as they wish, whether it is to buy a new jet for \$300 and \$400 million; whether it is to

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expend money for equipment to deal with crime in the sea when 109 or 107 people are being murdered on land; or whether it is to go on the most hare-brained areas of expenditure. We the citizens, and although I am in this honourable Senate, we are all citizens of this country, and everyone who is an employer or an employee or otherwise contributes to the scheme has a right to raise his voice in protest because there is a loss of moral thinking, there is a loss of ethical thinking when it comes to Government expenditure of the people's funds.

I keep on having this matter resonating in my mind, where does accountability begin? How can the Government consistently believe through its extended spokespeople, that it can do whatever it wants with public funds? This is misappropriation. You know, I have said already, that we have a Salaries Review Commission to decide what Members of Parliament earn and the Government is moving apace and has already decided to cut back on joint select committees that have the original right to look into Government's spending. Here we have a situation where we are cutting back on those select committees and we have no mechanism whatsoever to bring the Government to book for its decisions to expend billions of dollars and to violate the public purse with preferential interest charges that absolutely are untenable.

Mr. President, I am really at a loss for words having heard Sen. Mark and I join him in asking that these regulations be thrown in the dustbin. This is absolutely ridiculous and I would like to suggest as well, that some sort of commission or committee be brought into existence to supervise the National Insurance Board. This National Insurance Board has been the biggest cash cow that the Government could possibly have envisaged or conceived and it is raking in money at a tremendous rate, as we heard Sen. Mark, \$2 million or something per hour.

There is an old saying, "Rent your property and you are making money while you are sleeping." Well this is a way that the Government has been accumulating funds out of the public purse from the citizens, and then we are wondering at this inflation that is going on.

3.15 p.m.

The Government folds its hands and says, "There is nothing we can do about the increasing cost of living." There is nothing you can do about the increasing cost of anything. We are leaving our currency tied to the US dollar; it is sinking every day; everything that we import into this country is costing more and more. Do not let them fool you that China has a rate of exchange tied to the US dollar that is worse than ours, because China is a completely self-sufficient country when it comes to

food. It does not have to import food. They are importing only for national infrastructural improvement. China's situation is quite different from ours in terms of currency exchange rates.

We need to have an overview of the National Insurance Board, whose tremendous properties stretch from north, south, east and west in this country and who, we have now learnt, has been funding this Government in more of its purposeless profligacy in terms of spending from the public purse.

I thank you.

Mr. President: Are there any other speakers?

Sen. Dr. Adesh Nanan: Mr. President, I rise to support my colleague, Sen. Mark, with respect to the annulment of these regulations that were laid earlier this year.

If you look at the actuarial review, you would note from the report that as we move towards the year 2055 we are moving toward an ageing population syndrome. It means that there will be more people of pensionable age and there will be a greater requirement of the State with respect to retirement allowances.

It is shocking looking at these regulations, especially the one pointing to the time frame for a claim being reduced from three months to 14 days, and also with respect to the value being placed on a medical visit. That is totally unsatisfactory. In any private health institution the average daily rate is more than \$1,000 a day.

When we look at employees and the health situation in this country, in the current scenario there is very little reliance on the public health care system. Sen. Mark made reference to an employee getting ill. I also want to make reference to this as well. If you take the Point Fortin Hospital with respect to employees who are paying national insurance (NIS) contributions, you would see that the workers there today are subjected to severe disease possibility. There was a recent report on the Point Fortin Hospital. The roof collapsed and it was found that it had asbestos. We have heard no report from the Minister of Health with respect to this particular situation at the Point Fortin Hospital; all we saw from reports was that the Minister of Health snubbed the workers at the hospital.

There are many areas where the employees could be claiming benefits, such as the Point Fortin Hospital where you have the situation of the possibility of lung diseases affecting the workers. There are many situations in the environment, because of the failure of the Government to implement the Occupational Safety and Health Act.

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Employees who are paying NIS contributions are relying on the Government for particular claims; whether it be teachers in various schools where there is an outcry with respect to the rebuilding of those schools, there will be the claim for medical benefits. So to move it from three months to 14 days is totally unsatisfactory.

Another area that Sen. Mark made reference to, and it was in the regulations, is with respect to the ceiling. It is on page 10, regulation 16, the rate of pension payable to an injured person. Sen. Mark pointed out that the ceiling is now \$2,500 a month. It goes even further; that is a person who is getting a pension from the NIS of \$2,000 and the reduction in the old age pension of \$500, to a ceiling of \$2,500. What about the Caroni workers? They are now in an unfortunate position where they are receiving their NIS pension of \$2,000. When they receive their Caroni pension, which will take them up to \$2,600, they have already exceeded the ceiling, so they will be getting no old age pension.

Probably this was an anomaly when they looked at the situation with the Caroni workers. We are calling on the Government to remedy this particular situation. There are over 9,000 Caroni workers who are going to be of pensionable age, if they are not now, and would be denied that particular facility. We call on the Minister in the Ministry of Finance to take a look at this particular area when he is doing his review of these regulations.

Another concern is this particular area made reference to by Sen. Mark in terms of a wife supporting a sick husband who has to give up her job. That is totally unsatisfactory. We are talking about a figure of over \$8,000 a month, and that person has to give up her job to get the value of \$1,185. Where is this regulation coming from? Did the Minister in the Ministry of Finance see these regulations before he signed off on them? Apparently he did not see them; it is unfortunate. Maybe the National Insurance Board should report to the Minister of Finance the regulations of other Ministers in other ministries.

I remember that in the Ministry of the Environment when we had the various water and noise pollution rules, they had to be signed off by the Minister of the Environment before they were laid in Parliament. Probably we need a new reporting mechanism, so that we would not have this kind of fiasco happening in the Parliament. I commend and compliment Sen. Mark for having the foresight to see this particular regulation before it became law. Maybe it should have been for affirmative resolution instead of negative resolution, so we could have had a debate in the Parliament.

Those are the areas where I wanted to intervene. I thank you.

Sen. Helen Drayton: Mr. President, I certainly would like to state that I could not reasonably have had any expectation that this is a matter that would have been dealt with today, given the fact that it was way down on the agenda, item 5.

I certainly support the call for a 60-day, or some extension, by which such matters are to be dealt with, given the time frame it would qualify for placement on the Order Paper.

I want to be fair and mention the fact that I was aware of very heavy mass media advertising by the NIB with respect to increased rates, at least, a month or two before January 01, which is when I think these rates were to come into effect. I also recall a body of information which was published sometime last year—I cannot say exactly when or where—that was to the effect that retirement allowances were increasing. If we recall a few years ago a survivor's monthly retirement benefit was somewhere in the vicinity of \$800—\$1,000. It subsequently went up to between \$1,000 and \$1,200. To date it is in the region of \$1,650—\$1,800; and I am subject to correction as I do not have the exact figures.

It certainly is reasonable that if you are making, from a business point of view, incremental increases in the retirement benefits, there would be increases in the contribution. Where I have a concern is with the efficiency of the NIB. Once there is an issue of efficiency with respect to delivery of service, then it points to severe operational deficiencies which certainly will send up the cost of operations, which will be unfairly passed on to the contributors in what is essentially a mandatory plan.

With respect to the mandatory nature of the plan, it is not an area that I have a concern with; in that, there are many, many vulnerable persons in society, and during the productive lives of individuals, it is not all of them who would be able to provide for private medical insurance and also to make additional contributions to their retirement plans. Given inflation, given the cost of living, a mechanism such as national insurance is, indeed, a very important instrument for social stability and the well-being of, particularly, the vulnerable in our society.

Having said that, I certainly want to record serious concern with the manner in which this matter was brought, and the fact that the Independent Senators certainly were not aware that it would be discussed today and therefore did not have an opportunity to prepare.

Just before I close, there are two recommendations with which I would take issue. This is where Sen. Mark adequately spoke on that matter.

"An employer shall keep the record referred to in subregulation (1) for a period of seven years or until audited by the Board..."

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I think, in fairness, since it is a mandatory plan, since this is a public institution and there must be accountability, there should be a corresponding clause giving the NIB a maximum time frame by which it would audit companies and individuals; and that is fair. I certainly also have a problem with the reduction of the three months to 14 days.

With that, Mr. President, I thank you.

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne):
Mr. President, I think the word used by the Leader on this side was "theatrical". That was an understatement.

Several points were made in the course of Mr. Mark's contribution, which were, to say the least, erroneous. [*Interruption*] My apologies; Sen. Mark. I do not know if they were meant to sting me into action or sting me into response, so that I might slip and say a couple things that I ought not to say.

Let me start off by making the point that the National Insurance Board of Trinidad and Tobago does not belong to the Government of Trinidad and Tobago; far less is it used as a mechanism for financing the affairs of the Trinidad and Tobago Government. In fact, the Government does not borrow any money at all from the National Insurance Board.

The NIB does invest, according to these financial statements, approximately \$3 billion in Government bonds. It is not stated whether those bonds are Trinidad and Tobago Government bonds, because it is also allowed to invest a particular percentage of those bonds in other countries' bonds.

3.30 p.m.

Furthermore, I will take a little time to review the Board of Directors and the composition of the Act which was passed in 1971, which made sure that the board and its composition reflected a balance that was non-partisan.

Representing labour, Sen. Michael Annisette, Rudranath Indarsingh, Alva Allen. I think they come from well-respected trade unions. We have representing business, Ruben Mc Sween, Walter Hilton-Clarke, Seeram K. Maharaj; representing Government, Joan John from the Central Bank, Henry Sealy, former Unit Trust Executive Director and Inez Sinanan. We have Jeffrey Mc Farlane as an ex officio Director. If I am not mistaken, I do not think he has worked anywhere else except at the National Insurance Board and we have as the Board of Directors, the Chairman of the Board Calder Hart. That balance is reflected elsewhere on the investment committee where we have Robert Guiseppi representing labour, Michael Annisette,

representing labour, Ruben Mc Sween, representing business, Peter Clarke, representing business, Joan John representing Government, Central Bank; Hazel Marcelle, representing the Government; two ex officio members, Jeffrey Mc Farlane, Ian Pemberton and Calder Hart.

I make the point that it represents a balance which attempts to bring fairness to the discussions and a balance which was sadly lacking in Sen. Mark's contribution.
[*Interruption*]

Sen. Dr. Kernahan: [*Inaudible*]

Sen. The Hon. M. Browne: Well, I am not certain what expose means in this context. It means to tell a truth, that is what it is supposed to mean.

Under section 56 of the Act, rates of contribution and benefits shown on the tables of the Second and Third Schedules, may be amended by order of the board but only after actuarial review referred to in section 70. In other words, the National Insurance Board can review. I think Sen. The Hon. Helen Drayton made reference to the fact that there was copious advertising prior to the institution of these changes in rates and I also want to make the point that they were changed by Legal Notices 17—25 which were published on January 07, 2008 in the *Gazette* in accordance with what the Act allows for. So there was no contravention of the Constitution and people's right to enjoyment of property.

Furthermore, Sen. Mark, I had the honour to lay in this House the Annual Financial Statements of the National Insurance Board's report for the year 2007 and the Auditor's Report which set out very clearly and I shall quote after the usual disclaimers:

“In our opinion, the financial statements give a true and fair view of the financial position of the Board as of June 30, 2007 and of its financial performance and its cash flows for the year then ended in accordance with the accounting policies as set out in Note 4 of these financial statements.”

So just to clarify some of the points you had made, I did in fact return to Note 4. In terms of the investments which are held to maturity, mortgage advances, investments held for resale and those held at fair value through the profit and loss account, I noted that the average effective rate of return on the corporate bonds and Government securities which are held in roughly 50/50 was actually 8.19 per cent, slightly down from 2006 by approximately four basis points which was 8.23 per cent.

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In addition, mortgage advances earned interest at an effective rate of 8.05 per cent in comparison to 2006, 8.09. There is no number with regard to equities because these consist of a blend of both dividends as well as capital appreciation and the actuarial report adequately sets out what the improvements in that valuation were.

So in accordance with the Act which allows for the changes in the rates of contributions and rate benefits, as shown in the Second and Third Schedules to be made only after actuarial review, those which you referred to and which were also laid in this House, the National Insurance Board followed the letter of the law and has not breached the Constitution or the law of Trinidad and Tobago in any way and I might add, neither has the Government. I think that point needs to be made pellucidly clear. We have not broken any law. [*Desk thumping*] And I refer you once again to Legal Notices 17—25 published on January 07, 2008 in the *Gazette* and to the Act that you had on your desk which I could not access during your contribution. I needed to be sure that what you were saying was incorrect and now I am absolutely sure.

Sen. Mark: Mr. President, may I seek clarification? I just want to ask the hon. Minister if he is aware of Act No. 9 of 2004 and if he is, can he indicate to us where is the Act that the NIB would have brought, through you, to bring into effect those new rates with the accompanying tables that were contained in Act No. 9 of 2004. Is that coming?

Sen. The Hon. M. Browne: Sen. Mark, section 56, it is not required to do it in that form. The National Insurance Board may amend the rates of contributions once two conditions are satisfied and the conditions that are required to be satisfied are that there is an actuarial review, this is it; and that it is published by legal notice, which was done. That is what is required. If it was done differently by Act 2 or whatever it was in 2004, then it was done differently. This is what is required and we have acted in accordance with that.

A number of points were also made with regard to the increases in contribution rates and the actuarial review in the Executive Summary of the Actuarial Report of 2005 makes the point very clearly and it is in accordance with the last performance review in 2000.

Following the recommendations of the Sixth Actuarial Review, a number of improvements to the benefit provisions were adopted and the contribution rates were increased from 8.4 per cent to 9.9 per cent in three unequal steps in January of every year from 2004 to 2006. The most important reforms were the introduction of a minimum retirement pension and the increase in the Pension Act accrual rate granted in respect of the contribution period.

Therefore, in accordance with the actuarial review for the year 2007 for the benefit period of 2002/2005 which was laid in this House, the National Insurance Board presented regulations which we are seeing today and they provide for an increase in contribution rate from 9.75 per cent which was the last recommended rate to 10.5 per cent; 10.8 per cent to 11.4 per cent, in accordance with the changes in the rates which were recommended in the Sixth Actuarial Review, a graduated improvement of approximately 1.5 per cent over the period 2004—2006. And we are looking at an increase of approximately 1.7 per cent over the same period of, 2008, 2009, 2010 and 2011. Those changes in percentage terms amount to 8 per cent, 3 per cent and 6 per cent respectively.

Sen. Seetahal SC: Through you, Mr. President, I would like to get a clarification of regulation 8 which amends regulation 10 of the National Insurance (Contributions) (Amdt.) Regulations, 2008. In effect, what the Minister is saying is that the overall increase is about 10 per cent over that time. That is what I am gathering. My reading of it, it was something like 100 per cent, but the way it is drafted—as you would realize, we did not have the original regulation, not having notice, so we could not compare what was there before. As is stated here, with effect from January 07 a person who has been making voluntary contributions prior to January 07 shall pay, and then say at Class 7, there is a total of a monthly contribution of \$375. So I am taking this to now mean that it is not the person paying that amount, but the person and his employer together, that is the contribution.

But you see as drafted, and not having the original regulation, it is misleading to say the least because it suggests that the employee's contribution has gone up by about so many times, whereas it is a combined contribution. And I think those are the things that should be made clear especially if we do not have time; we would have looked—I looked at it like that and the plain meaning suggested that is what he contributes.

Mr. President: Senators, just to inform you, if you do wish to rise and interrupt the speaker on a matter of clarification or whatever, just rise and ask the speaker if he would give way. If he decides to give way he will say yes and sit, it is then customary to thank the speaker for giving way.

Sen. The Hon. M. Browne: Thank you for the clarification, Mr. President. I understand the point you are making Senator, and the presentation is built on the principle that contributions are split two-thirds employer/one-third employee and that knowledge is assumed. I guess it is an assumption that ought not to have been followed. I take the point.

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What I am saying, in effect, is the graduation when you look at the numbers on the basis outlined and the percentage increases in accordance with the actuarial review where it is clearly set out. I take the point that you may not have had sufficient time to look at it, and I am happy that I had enough time during the contributions that were made by the other side; I had the opportunity to do the math and corrected it. So the rate of increase is very gradual over a four-year period and it is in accordance with the recommendation of a very arms length third party called the ILO which would clearly have no basis for supporting any particular government; it is a professional report which sets out the requirements very strongly and robustly.

3.45 p.m.

A number of other points were made with regard to the efficiency in the delivery of service and the question of claims and whether claims are being met, and so on. I do not have the full payment rates with me or the percentages, but I know that in another place it was dealt with and the actual percentage of claims paid within a year are in the high 90s. In other words, approximately between 95 and 98 per cent of all claims made in any one particular year are met by the end of that year and I would provide that information to the other side. I would obtain those numbers and I would send them.

Sen. Mark: Approved claims.

Sen. The Hon. M. Browne: Approved claims, yes. I would also treat with the issue of claims which are not approved.

So the point I am making is that, the National Insurance Board does not belong to the Government of Trinidad and Tobago. There has been a great amount of thought in terms of the composition of the board. Our fathers who passed the Act in 1971 ensured that it was an independent party. There would, of course, have been some relationship with the government in power at the time, because the government in power was also responsible for ensuring that social equity was met. There is no question about that.

But to come back to the issue of the actuarial report, the International Labour Organisation submitted its report as at June 2005 and the conduct of the actuarial review was in accordance with sections 22(1) and 70(1) of the National Insurance Act, Chap. 32:01. The main objectives of that review were to evaluate the financial status and assess the long-term sustainability of the NIB while maintaining an adequate level of insurance protection to the insured population and dependants. In addition, the ILO conducted analyses into the feasibility of modifying several national insurance provisions in respect of requests by the directors, tripartite stakeholders and the general public.

Comments were made in the contributions from the other side with regard to the paucity of the rate with regard to, perhaps, what the marketplace requires in terms of doctors' visits and other things. This is a public social security scheme. It is a levy. On that basis, I think Sen. Seetahal SC made the point that there were some objections in terms of how it is run or how it was conceptualized, but it is in accordance with all other social security schemes which exist everywhere in the world, and the primary purpose of the social security scheme is to provide support to John Q Public; to all of us.

One of the fundamental mandates of the board is to ensure that the National Insurance Scheme survives; that it is there for the long term. So it is always necessary to have a judicious blend of making decisions with regard to improving benefits and contributions balanced by what the projections say, which is one of the reasons the National Insurance Board goes to an independent third party for an actuarial review to determine where we are in relation to the benefits that are paid and sustainability. That is the purpose of the actuarial report, to ensure that we are looking at sustainability to the future. That is why the actuarial report reviews its assumptions, because the one thing that we know is that economies change and the assumptions which were made at the last review may not necessarily hold today. So by its very nature, benefits and contributions will always tend to be conservative and they will always track the rate of inflation rather than run in advance of it, because to do so will be to pauperize the very system that we wish to maintain in the long term.

I go on. In reviewing the past financial performance of the National Insurance Board in the inter-valuation period, the ILO considered the financial situation as at June 30, 2005 to be nearly equivalent to the financial forecast of the sixth actuarial review at June 2000, and that is in the first page of the report. The main findings of the NIS demographic projection significantly emphasized the ageing population syndrome, a syndrome which is being experienced across the world, as well as in other jurisdictions in the Caribbean, and I could refer to one with which I am well familiar.

While the size of the general population is expected to increase by about 11 per cent by 2055, for the same period the number of pension-age persons will practically triple. The number of children would significantly decrease through natural declines in birth rates by about 21 per cent and the number of contributors will decline by about 10 per cent; all contained in the Act. That is essentially one requirement that ensures you be conservative.

The ageing population syndrome and the maturing process will have a material impact on the NIS demographic profile of future contributors and pensioners for three reasons: One, the number of pensioners will continue to grow rapidly relative

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to the number of contributors; lifetime pensions payable over longer periods of time as health and the health care system improve and the average age also improves; that the pensioner/support ratio is projected to move from about four contributors per pensioner, in other words, four working people per pensioner in 2006, to about one contributor in 2055. Some of us, of course, will not be here, but by the same token, we must make decisions today that will be of benefit to our children tomorrow.

That is the purpose of the National Insurance Board, to take a conservative view to ensure that there is sustainability and viability. The ILO, therefore, made a number of recommendations: Stakeholder proposals on improvements to the current NIS provisions were taken into consideration in order to analyze the financial impact on the NIS as well as to assess the long-term financial sustainability of the NIB as a result of these proposals and funding measures; in other words, what were we going to increase, where, and by how much. The NIB did not make these decisions willy-nilly.

Based on the analysis, the ILO recommended a minimum monthly retirement pension of \$1,500 and that the required contribution rate should be increased from the current 9.9 per cent to insurable earnings of 11.4 per cent of insurable earnings as of January 2008. That was done by the publication of the legal notices. The reason the contribution rates and the conversion tables that Sen. Mark was speaking about have not been available is that there has been a problem at the Government Printery in providing those documents. I accept that, and it is being worked on and we expect to have the matter sorted out shortly.

Sen. Seetahal SC: That happened two years ago.

Sen. The Hon. M. Browne: Well, we need to fix that again.

What were NIB's recommendations? The NIB did not consider that \$1,500 as a minimum monthly pension was adequate support to a retiree in meeting basic household expenses and was also of the view that an immediate contribution rate hike of 1.5 per cent would be economically burdensome to contributors. In other words, the NIB decided that they would take into consideration the recommendations but that they would make one or two decisions with regard to the particular circumstances of the public. Therefore, the NIB recommended a minimum monthly pension of \$2,000—30 per cent higher than that recommended by the actuaries—and a slow and gradual rate of increase in the contribution rate over a five-year period. I had alluded to it; now I will show it.

The current rate is 9.9 per cent; that will move to 10.5 per cent in 2008, which we have; that will move to 10.8 per cent in 2010 and 11.4 per cent in 2012, at which point in time the contribution rates will be reviewed. In light of these circumstances

and the need to ensure that social insurance benefits remain relevant, the board, after seeking the views of its stakeholders—they did not just do it willy-nilly—through surveys conducted during the period 2006/2007, has recognized and agreed for the need to enhance existing benefits.

To this end, the legislative amendments, both to the National Insurance Act, Chap. 32:01, as well as its supporting regulations, have been implemented to secure an average 25 per cent increase in benefits, generally. More specifically, at January 7, 2008, there has been a 100 per cent increase in the minimum retirement pension; payment of an increased maternity grant from \$2,000—\$2,500 now payable for each birth in the case of multiple births; the introduction of minimum payments for widows and increased minimums in the payments for children and orphans and an increase in the funeral grant, from \$4,000—\$5,000.

The National Insurance Board also agreed to give new benefits. The legislation now provides a new benefit which affords some measures of coverage to a group of persons who were previously without coverage. That was always a provision that was included in the original Act but there was never the demand for it, and now the board has decided that it can do so because there is sufficient interest. The special maternity grant allows the payment of a maternity grant to a woman who does not qualify for the maternity benefit in her own right. This benefit is paid, based on the father's contributions and is paid even to an unemployed woman.

As a result of the population ageing syndrome and increased pressure on the future cost of long-term benefits, this is unavoidable. This means that unless a huge fund is available to provide sufficient investment income, the contribution rate will tend to that level. Given the experience of economically developed countries which have reformed their social security systems to adapt to an aged society, such a contribution rate is considered to be too high and may have a negative impact on employment and compliance. Witness the case of France.

In order to avoid this, a strategy involving the increased contribution rate over the period 2008—2012, as recommended by the actuaries, was implemented. Some of those changes in the regulations have also been designed to improve employer compliance. The need to enforce employer compliance is essential in order to ensure the sustainability of the fund. We have had several examples during the recessionary period not too long ago, where a number of employers did not live in accordance with the requirements of the Act; did, in fact, deduct contributions and did not pay them over to the NIS. That is a well-known fact.

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All employers, including employers of domestics, are now required to register themselves and their employees. No longer is there a distinction between the employer of a domestic and any other employer. This measure was implemented for consistency of contributions and must be paid on behalf of all persons legitimately employed under a contract or a service and it is the employer who is primarily responsible for the registration of these individuals. It is also now mandatory for employers to display their certificate of registration in a prominent place at their business, like the VAT certificate.

A penalty is imposed for non-compliance, a measure already in existence in the Value Added Tax Act and which supports visual employer compliance for employees and NIB's authorized officers whose duty it is to ensure that employers comply with the provisions of the Act. It also allows for voluntary contributions. New earnings classes and voluntary contributions as prescribed by the actuary are now in effect.

4.00 p.m.

Voluntary contributions enable the insured person the opportunity to qualify for certain benefits where he would not otherwise have been able to do so. There have been also some changes that have been commented upon. These have been put into position to reduce what we know as "benefit abuse" because that takes place as well. The legislation ought to provide disincentives for persons who seek to manipulate the social insurance system to the disadvantage of the national community.

In this regard, the National Insurance Board has been forced to deal with an upsurge of cases of attempted benefit fraud and has sought to introduce measures designed to protect the social insurance funds from persons who attempt to defraud the system. Other measures have been put in place to allow the NIB to better manage benefit administration. The point was made by Sen. Helen Drayton that administration was a key part of ensuring efficiency down the road.

By way of example, the time frame for submitting a claim for injury benefit where a person suffers personal injury as a result of an accident on the job has been reduced from three months to 14 days, which you commented on. The new time frame is also in keeping with regional requirements: 10 days in Jamaica, St. Kitts/Nevis and four days in Barbados. Other jurisdictions allow a four-day period after which the claim or some part thereof is disallowed.

In another jurisdiction, this provision almost brought the entire fund to bankruptcy, hence the reason for its imposition. Employment injury benefits expose the fund to the greatest risk as it is the highest paid benefit and requires no

loss of earnings for the insured person. Some benefits under this umbrella are paid even where the insured person has returned to work.

Additionally, given the nature of this benefit, detailed investigations must be carried out to ensure the legitimacy of the claim. A shorter time frame allows the NIB to conduct those investigations real time and so pay correct benefits to persons so entitled. The shortened time frame has little or no additional pressure either to the insured or to the employer in that persons suffering injuries on the job usually require immediate medical attention and therefore the required documentation for this type of claim is available virtually immediately.

In respect of the disability benefit, the national insurance regulation, as amended in 2008, now allows payments based on provision assessments made in circumstances where the medical practitioner is unable to give a final assessment. This allows for a more accurate assessment of the insured person's progress and payments in accordance with real time benefits.

Regulations provide for increases in payment of an increase in the aggregate payment of medical expenses from \$18,000—\$22,500 per injury. Additionally, the new regulation includes payment for magnetic resonance imaging for persons having to undergo such procedures relative to employment injuries. A maximum of \$2,000 is now payable per examination per body part, effective January 07. Not only were the contributions increased, but also the benefits.

Legislative changes to the regulation affecting the retirement benefit have been made to facilitate an increase in the minimum retirement grant from \$200 to \$2,000. Along with this, the regulation now ensures that all recipients of retirement benefits who return to work before age 65 are covered for injury benefits and are not required to pay contributions. The employer pays the contribution to cover this benefit.

A social security system is one that is here for the long haul. It is meant to benefit the population in general. We must balance prudence with the requirements and changes that are taking place in the economy every day. The changes that were put into position on January 08 are in accordance with the law and are in accordance with the actuarial recommendations considered here. There were 13 recommendations and they have, in some part, been exceeded, as I demonstrated earlier today. They have been set out as part and parcel of a requirement for ensuring a long-term benefit to the people of this country. It is for that reason that we propose that the Motion from the other side be refused and rejected. [*Desk thumping*]

Sen. Dr. Carson Charles: Mr. President, I am fortunate to be speaking after the hon. Minister because he has provided us with much information and given the short notice with which this matter has had to be dealt with, clearly there is an advantage in having the information he provided.

I do not think he should have commented that he had to be provoked into speaking. I do not think he should ever have to be provoked into speaking; he should see it as his duty to provide support for the matters brought before us as early and as expansively as possible.

Sen. Browne: Mr. President, just to reply, I did not say that I was provoked into speaking, lest I be provoked into saying something I ought not to say.

Sen. Dr. C. Charles: I hope not. I have commented on other occasions that I find that Senators on the Government Benches are too reluctant to provide support and expand upon the matters and measures they bring before the Senate. They should consider it their duty to provide us with the reasons for supporting the measures, whether Bills or regulations are brought here.

Despite his clarification on many matters, I would like to add my own perspective to this debate. Pension is something we have to address. Pension in general will become a serious matter to be addressed over time. I know we have not yet been able to wrestle it into control because there is always the political pressure to increase pensions when persons go to the podium. Pensions will keep on going up, not only because people need more money, but because politically it is good business to offer more money to people in need. At the same time, one has to address the long-term impact of all of this.

I hope the Minister is aware that even the proposal by NIB is not the end. It is the beginning. I do not know that \$2,000 will mean very much in another year. The difficulties in wrestling with pensions are exacerbated by the inflationary environment in which we live. If you have an ageing population in an inflationary environment, you will put greater burdens on the working population to meet the needs of pensioners, not only because of people who are ageing, but also because the incomes are eroded even before you provide the benefit to the retired citizens. Those benefits are no longer in step with what they require for basic survival because of the environment in which we live.

If inflation is running just below or above 10 per cent per annum, what will happen in four years' time? This is a proposal to increase gradually over a four-year period to meet what was already a reasonable level, the best we could have done, based on what NIB has set for last year—\$2,000 per month—but in four years' time it will not mean anything.

That is one of the matters that the Minister has to look at. That is the area in which Government's actions impact upon the contributions which working people will have to pay to support the National Insurance Scheme. When we start talking about health insurance and all those other things is when it will get worse. When we talk about increasing gas by X per cent and say it will not have any great impact on the cost of living, that will also make it worse.

It is really easy to be conservative; that is the easy way out. [Interruption] I thought the Minister would like that one—an arch-conservative himself—to go with the market forces and let the fit survive and those who are not fit, devil take the hindmost. That is the easy way out. I hope the Government does not think that is good governance because they have to look at the interconnection between all this.

You have national insurance going up, not only because there is an ageing population, but it is being driven up by inflation. National insurance contributions are going up and you are taking more money out of the pockets of the working people and they are under pressure already because they expect water and gas to go up and so on. Everybody wants to be safe and survive for a long time, so every one will go with the market and increase their rates because the population is there to receive the pressure and there is no way they can retaliate in an organized fashion because Members of Parliament who are supposed to be on their side are part of the Government, therefore are bound to support whatever *laissez-faire* economic policy is being pursued. Who will bat for the people? Who will support and stand by the people's side? I suppose it is left up to us, so I congratulate and thank my colleague for being on the ball and raising this matter, which is of such importance to us today so that we can be informed and raise parallel issues, not only having to do with the actual rate increase, but that people are under pressure from all sides. It is not only that they will pay more money for national insurance.

Naturally people always like to avoid having to pay more money, but in the normal scheme of things, people will not complain too much if you increase national insurance by a little and promise them some benefits. It is when they feel the pressure from all sides that they will complain and become irrational because they do not want to hear all the fancy actuarial reports, recommendations and arguments. They will simply ask why they are paying more for all those items and they also have to pay more at the supermarket.

That is the Government's responsibility so it cannot escape by talking about what is proper according to the actuarial reports and what is prudent and conservative. They cannot escape just by doing that. They cannot escape by adopting the easy way out, which is what being conservative is all about. I hope the

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Minister did not really mean that the Government and the NIB should be congratulated for obeying the law. I assume that is what they always intended. They are expected to obey the law and to proceed according to what is legally proper. That is not really a big point.

4.15 p.m.

In fact—[*Interruption*] Sorry, that is between the Minister who is being provoked by my colleague. I think we are quite provoked sometimes by the general laissez-faire approach that says: Let it all hang out. Let the market forces determine everything and let the population simply suffer as a result.

Mr. President, this 14 days thing is not good enough. Because it is four days in Barbados and 10 days somewhere else, that is not good enough. We cannot always be picking the worst examples with which to compare ourselves. If you move from three months to 14 days, that means you have some reason. It must be that is an area in which you were experiencing a considerable amount of leakage. You had a very serious problem there. Why do this? Is this another case of conservative thinking that it is three months and that just in case people are going to misuse this particular provision and opportunity, let us bring it down to 14 days? Is that what is going on? You did not bring it from three months to one month. From three months to 14 days suggests a one-sided view where, again, the average worker is not in a position to really express his own concerns about this matter, and that this is a safe view.

This is a view where people think they are safe, which is not safe at all. The view that the conservative approach is the safe approach has us in all the trouble that we are in today. It is okay to say that prices of food are going up and that it is not our fault because the price of rice and flour is going up internationally so it is not our fault. There is an attitude that if the market forces dictate it, it is okay because you have done the right thing, you have done your homework and you are correct. You think it is the safe way but it is not the safe way because you are not in the business of providing actuarial advice. You are in the business of governing.

Governing means managing the affairs of people and managing people in such a way that they feel that someone is standing up for them and that their point of view is also being brought into the picture when these decisions are made. I cannot see how reducing the period from three months to 14 days all at once, reflects the worker, the person who is injured, as having had some kind of say in all of this. I cannot see how that reflects it at all. There has not been any hue and cry that people were abusing this particular provision. I have not see that anywhere. Do you wish to—[*Interruption*]

Sen. Browne: Could I reply?

Sen. Dr. C. Charles: Sure.

Sen. Browne: Part of the reason for reducing the time frame is to allow for the rule of proximity, so that the injury period can be more properly identified by the consultants and dealt with accordingly, whereas, if it is maintained for a 90-day period, many times the injury would have already been passed. It cannot be determined by the doctor.

Sen. Dr. C. Charles: I understand that. I am sure that is a good explanation and good reason from the point of view of the NIB officials and operatives. Again, it is the safe way; the safe approach. You could have reduced it to one week. In that way you are sure and you know exactly when the injury took place. You could be even safer there. I understand that. It just makes my point again that one can always take the safe way of saying—you are not provoked—let us bring it down to this period. You have to hope that the employers are not delinquent as well.

Is there any effort made to get employers to play their role in this industrialized environment that we are in? The environment where the guy gets injured—the average guy must be informed of all of this because his employer will not always be on his side, making sure that when something happens all the necessary forms are filled and everything is done within this compressed period of time. I hope that the Government is again seeing itself as having to play a role in supporting the people, those who voted and put the Government there.

The Government thinks that it has a role in standing on the side of the people. Therefore they should do something about that and not leave it to hang out again where the worker is at the mercy of the employer and if he does not file within the time, that is just too bad.

Social services in this country—it is always a case of almost having to beg if the average person wants to get any kind of social service—are provided by agents of the State. National Insurance is one such case. I do not want to pick them out and say that they are particularly bad in any way. That is one such case where people feel burdened—I am talking from the point of view of the average person—whenever he or she has to go to any of these agencies to make a claim, to seek something that is rightfully his or hers. It was put there for you.

The Government has made grand statements and promises about implementing all sorts of social services. When the average person goes to try and access them, they find that it is a real burden. No one is on your side. Nobody wants to give it you, as is your due. They treat you as though you are a nuisance who is coming to beg for the

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little change—a woman going to beg for something for her child whose father got killed. You know the stories these days. Fathers are getting killed “all over de place.” Someone may go to beg for the little thing, which is their due. They are treated as though they are a burden on this agency or the bureaucrats who are working there and not that it is their right. Social services departments should be going the extra mile to assist that person.

There is always the exception. You may be lucky to find a particular individual working in that department who is helpful and wants to get you through the whole process. You would be glad that you have met a good, nice person who helped you. That is the prevailing culture.

Again, the Government cannot behave as though it has no—you want to have a developed country by 2020—role to play in changing the prevailing culture. The most important thing that distinguishes us from a developed country is the prevailing culture. In any developed society, the people are important. The people are first. We are all here to serve the people. In every aspect of public life, the people are always the ones who are most important. Every time we do something that is going to somehow affect the people you have to go to some length to explain why you are doing this. You cannot take it for granted. That is one of the biggest differences between us and any developed country. You cannot impose increases in mandatory payments—with no explanation to the population as to why you are doing this—in any country in which people consider themselves developed. That is what developed means. It means that the people believe that it is all about them and that we are all here to serve them. When you go to the various departments you are not supposed to be simply hoping that somebody would like you and help you out, the department is there to serve you. That is their duty. If an official does not carry out his duty, then you can complain to somebody and get some redress. This is one of the accusations that people have brought against the NIB as well and their functionaries, in the same way that people have said about other agencies involved in providing social services.

Secrecy, of course, is the way everything is handled in this country—the public sector—socially. We always feel that it is hard to get information. People tend to think it is something magical going on in these places.

That brings me back to the first point that I was relieved that the Minister intervened in the debate and did not leave us suffering and wondering who is going to provide adequate responses to some of the matters that were raised.

My perspective on all of this is that it is not a matter of simply what increase NIB has brought. They have their technical arguments to support what they have proposed, but it is a case in which you have to look at it from the perspective of the

man or woman in the street or the man or woman anywhere who is facing, in Trinidad and Tobago today, a tremendous amount of pressure. It is not good enough to stand simply on the strength of your technical arguments and on the strength of market forces, market theory and outdated long, dead Reaganomics. That is what is going on. You would have to do better than that. For the Government to succeed, they would have to do better than that—[*Interruption*] I said long, dead Reaganomics. You are not depending on laissez-faire under the market forces to determine everything. I would be so happy to believe in this Minister and that the Government is actually not standing on that. Therefore, I am sure the Government would give us different explanations in future when some of its proposals for increasing A, B, C, and D come forward for debate.

My point is that this is a perspective that I would like the Government to share and to see you as we see ourselves here. If there is anything you can do in coming with us, it is to stand as we stand for the people, because a lot of them voted for you and you should start thinking of yourselves as being responsible for them and standing for them as well.

Thank you very much.

Mr. President: Hon. Senators, in view of the time, I think we will take the tea break at this point and we will come back at 5 o'clock. This sitting is now suspended until 5 o'clock.

4.26 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Michael Annisette: Mr. President, I was wondering whether I should make a contribution on the Motion moved by my learned trade union colleague, given some of the erroneous statements that were made by my learned friend. However, I thought it is my responsibility to defend the members of the board, the management and workers of the NIB.

Let me say from the outset that those workers deserve much credit. I want to take this opportunity to thank them and the management of the National Insurance Board for the kind of work they have been doing in order to ensure that workers in Trinidad and Tobago benefit from the social security scheme that is in place. [*Desk thumping*]

Mr. President, let me put the record straight. In terms of income contributions, the NIB received \$1,502,417,000 for the year 2007. Our financial year is from July to June.

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Our expenditure in 2007 was \$106,750,000—our staff is 500, and we have 17 offices all over Trinidad and Tobago. When one looks at our expenditure per day, it works out to \$410,576. Therefore, given the sum that I have pointed out, on a daily basis we received \$5,778,515 and that gives you a ratio in terms of expenditure of 7.06 per cent.

I need to point out to this honourable Senate that in the past there was a ceiling which was put in the law whereby the NIB could not spend more than 9 per cent of the income received. That has since been removed, and now we are dictated by what the actuaries tell us to do. Therefore, at all times, NIB falls below what the actuaries say that we should do in the context of expenditure.

Mr. President, so when my honourable friend comes and says that it is “bobbol”, it is a criminal act and these people are selling out and so forth, I want to make a special plea as a new Senator in this Senate, and that is we have to start dealing seriously with issues that affect the people in Trinidad and Tobago. [*Desk thumping*] I consider it highly irresponsible for my learned friend—a friend from the trade union movement—to make such a statement.

The Senator is aware that the genesis of the NIB came about after discussions. There were two White Papers. In 1969, The Seamen and Waterfront Workers Trade Union—Brother Glean and these guys—were asking for this. The Government had two White Papers and we had tripartite discussions. Coming out of these discussions, in 1970 the Act was passed. The law was passed for three sections to be represented on the NIB; government, labour and business. That was enacted in the law to ensure that the people’s business is looked after. We need to understand the history. This did not come about just like that. There was a rationale, a reason and a genesis for it.

Mr. President, are hon. Senators aware that the NIB pays out almost 23 benefits? No one spoke about that. All those benefits have increased as a consequence of increased contributions, and no one spoke about that. We heard about criminals, thieves and so forth, but we have to be careful.

Mr. President, let me give you an example with respect to claims. In 2007, the NIB paid out \$1,039,000,000 in claims. Mr. President, 131,718 persons benefited from claims that were paid out and no one spoke about that.

In 2006, 127,832 persons benefited from claims that were paid out. Mr. President, \$1,001,000,000 in claims were paid out in 2006.

Are Senators aware that the NIB belongs to the International Security Association? This association is housed in Geneva and it is funded by the ILO. It looks at social security all over the world, and it does all the necessary research so

that we can be informed of social security all over the world. So, the NIB does not operate, as some people believe, by the dictates of the Government of Trinidad and Tobago. There are rules and regulations governing that, and as board members, we have to ensure that we follow our fiduciary responsibilities.

Additionally, we are also members of the Inter-American Conference of Social Security. This is another body that operates in the United States of America, Canada, Latin America and the Caribbean. Again, that body does research in social security in the United States of America, Canada, Latin America and the Caribbean, and we benefit from the changes that are happening internationally and worldwide.

Let me deal with another misrepresentation. Sen. Mark, my friend and comrade from the trade union movement sought to give the impression that the actuarial evaluation that was done by the ILO suggested that we can pay benefits without increasing contributions up to 2055. What the Senator failed to talk about is the other side of the coin. What they have pointed out to us is that we can continue to pay those benefits without any contributions, and if we do that what is going to happen in 2055 is that the whole system will collapse, and we will have to start a new system which will create problems for Trinidad and Tobago, and it is in that context they recommended the increases. It is not the NIB, it is the ILO.

The report says that—this was said by Sen. Mariano Browne—we moved from 9.9 per cent to 10.5 per cent in 2008. These are increases in the contributions. In 2010, there should be a 10.8 per cent increase in contributions and 11.4 per cent in the year 2012.

We follow the recommendations of the actuarial document which was submitted to us. We need to start to get serious and do proper analysis. Let us not continue to make misrepresentation of facts and take them and twist them to suit our own personal end. [*Desk thumping*] At this forum, we cannot continue to behave in that way. As I have been saying, the people's business is too important for us to be politicizing everything. We have a responsibility to the nation to ensure that what we put out there is honest and not casual to the truth.

The Senator said that \$600 million is missing. Mr. President, I am disturbed about that. What that does is implicate other members who cannot defend themselves.

Are we aware that for 27 years the NIB had an internal auditor looking at its books and it never had a qualified statement? I think my learned friend who is an economist knows that if that sum of money is missing, the auditors are going to

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pick it up, and I am sure the police will investigate it. Why should the Senator make such alarming statements? Why should we be alarmists? [*Desk thumping*] We must stop doing these things.

If we are serious about Trinidad and Tobago and committed to carrying Trinidad and Tobago where we want it to go, let us start to get serious and act maturely and responsibly. We are charged with that responsibility when we sit in this august Chamber.

When my comrade and friend, Sen. Wade Mark makes those statements, obviously, the wrong signal is being sent to the general public, and the public will believe that there is so much “bobbol” in Trinidad and Tobago, and things are going wrong when this is further from the truth.

Mr. President, what has me disturbed is that if there was no one with intimate knowledge of what is happening in the NIB, that would have gone down in the press, the radio and television without giving other members of the board, management and staff the opportunity to defend themselves. I think this is a disservice and something that we should stop doing in this august Senate. [*Desk thumping*]

Further, for the record and information, are you aware that there are rules and regulations governing how we can invest the people's money in NIB? There are rules governing that. We cannot just take money and invest it just like that. So, to convey the impression that we can take the money and lend it to the Government, which we have never done, is another misrepresentation. Let us not go down that road.

If we are serious—it is unfortunate that I did not know about this debate earlier, because I would have prepared all the relevant information. I know Sen. Wade Mark likes research. The Senator could have gone on the NIB's website and gotten all the information he needed. If he is not aware of the website, I am going to give it to the honourable Senate. It is www.nib.co.tt. [*Desk thumping*] Let me repeat that. If the Senator was serious about making an honest contribution for the people of Trinidad and Tobago, he could have gone to the NIB's website which is www.nib.co.tt. That is our website, and you can get information in terms of the National Insurance Scheme and the National Insurance Board. [*Interruption*]

What is amazing is who the labour representatives on the board are. For the information of the public, we have the President of the All Trinidad Sugar and General Workers' Trade Union, Mr. Indarsingh; Mr. Alva Allen from the National Union of Government and Federated Workers, which is one of the biggest unions in Trinidad and Tobago; and your humble servant, the President of NATUC.

My friend and comrade, Sen. Wade Mark, rest assured that as long as we are on that board, we are going to seek the interest of the people of Trinidad and Tobago and the working class. We are not going to allow anything to compromise the working class of Trinidad and Tobago. [*Desk thumping*]

I thank you for this opportunity. [*Desk thumping*]

5.15 p.m.

Sen. Dr. Jennifer Jones-Kernahan: Thank you, Mr. President for giving me the opportunity to contribute a few words on the matter before us. My colleague, Sen. Dr. Carson Charles made mention of the fact that we do not often get from the Members on the other side, any clear definition and explanation of the matters before us, and therefore you have to guess and wonder and so on.

The Minister in the Ministry of Finance in his contribution, made the point that perhaps we want to provoke him into saying things that he should not say. I want to find out from the Minister if this administration has secrets that we could provoke them into revealing here in this honourable Senate. I wish that was so; they have many secrets. You see this is the ideology of this administration and it was clearly revealed by the Minister of Housing, Planning and the Environment in the last debate, when the Minister said to us that her job here—and she said very clearly that she was coached by elder members of the team—is to come and be very short and then let the debate reveal what it may.

It seems to me that what has happened in this country is that the administration has replaced the old team of discredited non-performers for a new team of unaccredited non-starters, because I do not believe that the Minister understands her role here. Her role here is not to be cryptic, inscrutable and short. Her role here is to come to account to the people of Trinidad and Tobago and the role of every Minister here is to come to account to the people of Trinidad and Tobago for their stewardship, and it will take as long as it takes. We are here to do the job that the people have asked us to do and we are prepared to sit and listen to them.

When I saw these regulations, I was really appalled because the Minister spoke about prudence; I do not think that is really a word in any way associated with this administration. Nobody in their right mind would associate this administration with the word prudence; we have so many examples. It is not prudent to finance criminal gangs in this country and this is what this administration has done. It is not prudent to buy private jets for the comfort and the convenience of their leader. Why mention the word prudence? It does not gel.

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The problem that I have with this Motion is that workers in this country are reeling under double-digit inflation. They are seeing that oil revenues are increasing to the tune of billions of dollars in Government coffers, but based on the National Insurance Regulations before us, in terms of the benefits, benefits are clearly decreasing. The quality of the benefits is decreasing and in spite of the Minister's claim of the board having to do a balancing act and so on, the fact is that at the end of the day, after all the balancing acts and actuarial reviews, what the workers of this country want to know is, what remains? Is it that because of our increase in our revenues and prosperity in this country, that we are going to see the quality and quantity of the benefits enhanced? Or are we going to see more money being taken out of our meagre pay cheques every week or every month as the case may be, when we have to go and face the grocery prices that are going up astronomically every day? That is the bottom line for the ordinary people of Trinidad and Tobago.

So, the people of Trinidad and Tobago are not concerned with the balancing act. We are not concerned with how many people are on the board, who and what are on the board; we do not care about that. What they care about is, at the end of the day are we going to see better quality benefits to the people of Trinidad and Tobago? That is the bottom line. I fail to see what is the relevance of naming all the people on the board. Big names do not mean anything when we go to the grocery; we cannot take those names to the cash register; that is the bottom line.

If we are going to pay more for benefits, if more money is going to come out of people's pockets every week and every month to the National Insurance Board, then people want to see that the quality of the benefits are enhanced. I just looked at the benefits regulations and every single benefit regulation that was dealt with here—all the amendments—was to decrease the level and the value of the benefit to the worker, and that is the problem we have with it.

The other problem—and Sen. Dr. Carson Charles mentioned it—came in the form of an order. It did not come, as Sen. Mark said, that traditionally it is done in the form of an amendment to the Act. So, it slipped through regulations and it is laid on the Table, and unless the Opposition is very perceptive, very sharp and would take it up in a timely manner, these things would slip through and the workers would not even know. Who would tell them that they no longer have three months to stake their claim to a sickness or injury benefit?

Sen. Browne: Could you please give way? Thank you very much, Sen. Dr. Jennifer Kernahan. I think Sen. Wade Mark provided only one example in which the changes in the schedules were done differently. Section 56 is very clear and the

practice has been to lay it through the *Gazette* in accordance with section 56. There is only one instance where Sen. Mark provided an example where it was done differently. So, it was not done as an ambush or to put it the reverse way, there was only one time it was carried through an Act.

Sen. Dr. J. Jones-Kernahan: Mr. President, our concern is that when you lay the regulations with very serious import for workers and their benefits in this manner, then you have a problem where workers, regardless of all the big names on the board, are not going to be aware of what is happening; are going to be caught by surprise; people would lose their benefits and they would be totally, totally bereft of the rights that are entrenched in the National Insurance Act that they are entitled to. That is the problem; there is no rationalizing that, no getting around that; that is the fact.

Mr. President, I was just looking at the benefits regulations and every regulation that I looked at, seems to me what they are really doing is tightening, turning the screws on the workers so that their benefits are less. I compared the amendment of regulation 7 to the original regulation. It says that subregulation (a)(iv):

"by inserting after paragraph (h) the following paragraphs:..."

So, we are inserting a couple of paragraphs here, which have to do with the time limit for submissions of claims. I quote:

- "(i) in the case of a subsequent medical certificate for sickness benefit not later than three months from the last date of incapacity on the preceding medical certificate; and
- (j) in the case of a subsequent medical certificate for injury benefit not later than fourteen days from the last date of incapacity on the preceding medical certificate."

This is dealing with how often you have to submit medical certificates and so on based on your incapacity. We see in this amendment that they have decreased the time; changed the date for submitting a medical certificate to 14 days, where it was three months. Therefore, what that would do is place increased hardship on the worker in order to ensure that their benefit continues. You have to go very often now; every 14 days you have to be submitting these medical certificates to ensure that your benefit continues, and that is increased hardship.

So, what is happening here is that a person who has an injury or some sort of incapacity, every 14 days he has to ensure that this injury benefit certificate is updated. And so it goes on, every regulation is amended on terms less favourable

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than in the original regulations. Also, in regulation 7, subregulation (4), there is also another amendment to the regulation that says that:

"Notwithstanding subregulation (3), if a person fails to submit a subsequent medical certificate within twelve months from the last date of incapacity on the preceding medical certificate such person shall be disqualified from receiving such benefits."

What had happened is, in that subregulation (3) it said that:

"Notwithstanding subregulation (2) in any case where the claimant proves that on the date that the contingency arose he was entitled to the benefit and throughout the period between the date the contingency arose and the date on which the claim was received by the Board, good cause is shown as to the reason for the delay in submitting the claim, he shall not be disqualified under this subregulation from a benefit to which he would have been entitled had he made the claim within the prescribed time."

So, you have a subregulation (3), which is giving some leeway in terms of if you could show good cause and so on, that you did not make your claim in the prescribed time, that you would get the claim and yet in this amendment here you have another subregulation inserted, notwithstanding this subregulation (3) that you would not be entitled to the claim if you cannot comply within a shortened time frame. Every subregulation that we looked at, regulation 14 is amended in terms less favourable to the worker.

5.30 p.m.

Regulation 21 says:

"The Board may disqualify any persons from receiving sickness benefit where such person causes his incapacity by reason of his own misconduct, refuses or fails without reasonable cause to comply with any requirement of the Board or engages in any work during the period of his incapacity for which remuneration is or would be ordinarily payable."

In subregulation (2) it says:

"A person in receipt of sickness benefit may be required by the Board to be medically examined."

But in the amendment we have instead of subregulation (2) it says:

"A person in receipt of sickness or entitled to sickness benefit may be required by the Board to be medically examined at any time."

So what they are doing, Mr. President, by all these tiny amendments now is increasing pressure on the worker, on the disabled, on the person and they can jump up at you at any time and say, listen, we want to examine you and it is putting increased psychological and physical pressure because you have to go in, you have to submit yourself to an examination and so on based on these tiny screws that they are turning on the workers at every point in time.

Subregulation (17), when we examined that, it was also shown to be amended to the disadvantage and to the inconvenience of the workers. So all these regulations I have mentioned, when you look at them, they do not enhance the quality of the benefits of the workers, they do not enhance the quality of life of the workers, they do not give more to the workers in an environment where life is so hard for ordinary workers, in an environment where, as was said in the literature that life in Trinidad and Tobago has become “nasty, brutish and short,” you have a situation where workers are further being imposed on in terms of hardships and so on, imposed by these regulations of the NIB.

Mr. President, my focus here this afternoon is to say that the working class of this country is under pressure. They are under pressure because of the policies of this Government, because of the socioeconomic policies of this Government and the Government is perhaps in collaboration with other people. They are continuing to put the workers under pressure with these regulations which they have brought to this Parliament and expect us to approve. We are saying that this is not in keeping with how we see this society progressing. We do not see this as any 2020 Vision, we do not see workers’ rights being respected, enhanced and developed in these regulations.

In fact, we see the status of the working class, the quality of life and so on being decreased and being undermined, and we are saying that these regulations are par for the course with respect to the attitude of this Government towards the ordinary people of this country; the workers of this country who produce all the wealth that this country enjoys and who have to endure all the hardships every time you go to the market, every time you go to the grocery, every time we have to stand for hours on end on the bus route and all the transportation hubs, because we cannot get transportation to go to work. We have to reach home 8 o'clock and 9 o'clock in the night, our children are going astray; all these things are being imposed on us and we are saying that in addition to that you come with regulations today to take more money out of our pockets, to put more money into the hands of a “prudent” Government that is concerned with buying jets, building mansions and palaces. We do not see this as a step forward in the interest of the working class, regardless of all the big names that they may call.

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As I said before, we cannot carry names to the grocery; we cannot tell them this is very good because the big names have backed this. We are saying this is an added hardship imposed on these people and we totally reject it.

I thank you.

Mr. President: Do we have any more contributions?

Sen. Wade Mark: Thank you very much, Mr. President. First of all allow me to extend my thanks to the various speakers on this very important Motion before this honourable Senate. I was extremely careful in my presentation not to assault—[*Laughter*] I did not attack anyone and as a member of the labour movement myself, I intend to maintain that. [*Laughter*]

My colleague will not draw me into any fight. [*Laughter*] My focus in this Parliament is to be in government in 2012.

Hon. Senator: “Hmm”. [*Desk thumping*] [*Laughter*]

Sen. W. Mark: So, I would need him to support me in that drive. I am not falling for that bait.

I again want to thank all my colleagues for speaking on this matter. As I said in my opening remarks, the only reason that I brought this matter to the attention of the Parliament is because the population of this country is not aware of the implications, the repercussions of these new rates of contributions that have been imposed by the NIB on this country. And if I had not brought it today I do not believe we would have been able to be exposed to some of the views that have been expressed here, and I think that it is unfortunate when we look at the law and we realize that there is not sufficient room in its current configuration to allow matters of this importance to be brought here and deliberated upon. So all the arguments that have been flushed out this afternoon, we would have been able to get that information long before.

Therefore, my Motion would not have been relevant or even necessary. I brought it, simply to bring it to the attention of the national community. There are 520,000 workers who are insured, so almost half a million workers are insured under this NIS scheme. When I rifled through those regulations there were certain amendments that caught my attention and I could not really get any explanations, because the NIB sits wherever it sits on Tragarete Road, takes decisions and no reference is made to the people's representatives, either in the House of Representatives or we who are appointed or nominated at this level in the Parliament. We have to deal with people at different levels, we have to explain these measures to the people.

Mr. President, the time has come for the NIB to really embark upon a programme of nationwide public education, so that when these measures are being introduced, when they are being adopted, people would be able to have some say in this matter. As I said, it was until I read through these regulations that I was able to discern the kind of implications, and I have not heard from anyone, including my good friend, comrade, Sen. Michael Annisette—I have not heard from him or anybody else—what is the justification, apart from what my colleague, the Minister in the Ministry of Finance, the hon. Mariano Browne, said earlier, what was the rationale for reducing the period for claims by workers who suffer injuries from three months to 12 or 14 days. I have not heard, and I do not think anybody here is satisfied with the information that has been given to us by the hon. Minister in the Ministry of Finance—because it is happening there it must happen here. That is an explanation? That is a rationalization? I do not believe so, Sir.

Therefore, arising out of our debate this afternoon there is an urgent need to review, revise and fundamentally amend the National Insurance Act to make it more relevant to a system of accountability. It is because there is a lack of accountability at our level that we have this Motion before us this Parliament. Had the Government taken or adopted the course of action it took in 2004 and brought a Bill or an Act to really put into effect the new measures of 2004, we would have had the debate then but we never had that opportunity, because that Bill never came here. What we understood from what the Minister said is that there is a loophole in the law that gives the NIB the power to go and issue, through the Minister, legal notices and they are then published in the *Gazette*.

We get the *Gazette* three weeks, four weeks, six weeks or 10 weeks after they are published; and that is for us here, what about the population? It is not published in the way that I believe that it ought to be published, but this is how the Government is doing business through its chairman. I did not hear my friend Sen. Michael Annisette make reference at all to the point I made about the independence of the chairmanship of the NIB, where you had for instance a gentleman who was a government representative on one day and the next day he wears the hat of the chairman. Where is the independence there?

So, Mr. President, I want to make it very clear, I have never and will never attack workers. If they are wrong, [*Laughter*] as a trade unionist I speak the truth. [*Laughter*] I will speak the truth to the workers, but I would never attack—so I want to put it on record here, I have no difficulty with the workers of the NIB; I compliment them; I know they work very hard and I have no problem with that. So, Sen. Michael Annisette, I have never and will never attack the workers of the NIB or any workers in Trinidad and Tobago. I want to make that very clear.

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My concern has been with the mismanagement. I never accused anyone of stealing moneys from the NIB. I spoke about moneys that were unaccounted for. Now, maybe unaccounted for might have been the wrong term. It had to do with the fact that the 9.5 per cent limit that was placed in the Act was superceded, by far, to the point at the end of 1999 when it was overspent or it was overreached by close to \$549 million.

5.45 p.m.

That is a fact. It is in the records of the NIB report of 1999, that they overreached themselves and in 1976, under your administration, we moved from approximately 12 to 13 per cent of administrative expenses to 38 per cent at the end of 1995. It was the UNC government that brought down that administrative expense that was just ballooning out of control. So the PNM presided over that arrangement where 38 per cent of workers' contributions went towards administrative expenses up to 1995 and then we came and were able to bring that to the level that it is today.

It was Brian Keui Tung who made an amendment to the Act to say that from here on, we eliminate the 9.5 per cent and we shall now be guided by the recommendations of the actuary. It was we who did that. So today, if it is 7.1 per cent in terms of expenditure, we must take complete credit for saving hundreds of millions of dollars that are going towards the benefits of the working people of this country. I did not say that people "tief". "When people tief ah go say dey tief". I did not say anybody "tief". I was concerned about overspending.

Mr. President, as Sen. Seetahal SC said, the NIB Act was passed in 1972 without a constitutional majority and it infringes on people's property. It takes away from my income a certain amount of money on a monthly basis. So as a contributor to the NIB, I, as a citizen of this country and one of the 0.5 million contributors, have an interest in how my money is spent, managed and invested at NIB.

Mr. President, I did not hear anyone speak to the issue. I tell my colleague, Sen. Michael Annette that we are here not to be here all the time; you might be there all the time. We are here in this Opposition to remove the PNM and to expose them. I do not want to get into any conflict with the Independent Bench because the Independent Bench is not my target. My target is the People's National Movement. You are my friend on the Back Bench. I will never attack my colleagues on the Back Bench.

Mr. President, I want to go back—[*Interruption*]

Sen. Dr. Saith: [*Inaudible*]

Sen. W. Mark: The rate that you are going my dear friend, you might leave long before 2012. Trust me.

Mr. President, I revisit briefly the National Insurance (Benefits) (Amdt.) Regulations of 2008 and I bring regulation 20 to the attention of my hon. colleagues. It states:

"Regulation 43 of the Regulations is amended by—

- (a) deleting the words 'biological or step-parent' wherever they occur and substituting the words 'parent or step-parent'; and
- (b) inserting after subregulation (2), the following subregulation:.."

This is a new one, Mr. President. It continues:

"(3) A person in receipt of child allowance or orphan's allowance shall only receive benefit in respect of a maximum of two persons, one of each sex, whether parent or step-parent."

Has any explanation or reason been given for this new regulation? The maximum was five; they have now reduced it to two. What is even more alarming, they are saying that one of the two must be of different sex. So whatever allowances you can now access for those children, one must be a male and one must be a female. So from five children, they have reduced access to the benefits to only two, one girl, one boy. Woe be onto the parent who has five daughters or five boys. If you have five girl children, what is going to happen in terms of accessing the benefits of a child allowance which was given to the parent of five children prior to this new regulation? It does not make sense.

This is a ridiculous regulation and we are sitting here today and are passing it. I must say that we here will not suffer; it is the ordinary people out there. Sen. Dr. Carson Charles made reference to the same point when they go for service. When they go to access their benefits they are not given the kind of courtesies to which they are entitled. I am not saying that the NIB is not improving its customer service to the people of this country. They are trying, but there are people who are still getting the runaround as it relates to benefits.

In this instance, does this particular regulation make sense? Could the representatives of the NIB—my colleague has spoken already, he cannot speak again, but it would have been good to have somebody from the NIB explain to the Senate, the rationale or reasons for reducing the number of children who can access this benefit from five to two. Why not five to three? Why not five to one? Therefore, I am advancing that based on the arguments that I have heard here today, whilst the Government has maintained a hard line from the utterances made by the

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hon. Minister in the Ministry of Finance, it does not change the price of cocoa. These regulations, the four sets, remain oppressive and are designed to frustrate the people who have to access them. I believe that they are insensitive to the needs of the ordinary people.

As you know, workers would always be the victims of a double whammy. They have to pay the new rates and the employer who is paying his rates on behalf of the workers, ultimately, would pass on those costs in the form of increases in prices. The workers are being hit on all fronts. We are now in a pressure cooker situation and people are under real pressure in this country. I do not know what is going to happen, but recently, I saw on television—I am not advocating, I will never advocate that—in a country called Senegal there were riots on the streets for food; prices up, riots. In Egypt, for bread, riots; in the Cameroon, riots; in Burkina Faso, riots for food. With these pressures that are mounting in our country, I am very concerned about the future stability of this society. This is why these regulations become so critical because we have no way—we have gotten no commitment either from my colleague who sits on the board of the NIB or from the hon. Minister in the Ministry of Finance. How are we going to communicate these matters to the population? How are they going to know?

The Minister admitted, but he did not give you and he did not give us an appreciation of the time frame for these tables to be made public. He told us that the printery is experiencing some difficulties, but the printery has been experiencing difficulties since January and we are now at the end of March. It is April 01 and how would people be able to access these tables? How would workers know the medical expenses to which they are now entitled? How would workers know all the various benefits that they would be entitled to? The conversion tables and the rates of contribution are not available to the large population. The benefits are not there, so we are operating by guess.

I remain very disturbed about these regulations and I warn the NIB that in the future, I will continue to expose any oppressive conduct or behaviour on their part, and this Government as it relates to introducing measures that will harm and hurt the ordinary people of this country. I will be watching them with a “hawk eye.” In the future, no matter what comes out of this debate, if one thing emerges from it, we would have put the NIB on notice that they will never be able to table regulations in this Parliament and it will never go unnoticed.

They will be very careful from here on that when they are dealing with the workers’ business, when they are dealing with the people’s business, “dey better” be careful. Because once we are here—and we do not intend to be here for too long

[*Laughter*] as far as I am concerned—we intend to be vigilant and carry out our responsibility, we intend to expose whatever deficiencies there are. All are designed to uplift, build and bring greater sunshine into the lives of the ordinary people of our country.

We have no intention of assaulting or attacking. We know when to attack, we know when to assault, and we know when to demolish. This is not the time to do that. This is a time when we must all embrace in one love because we are seeking to ensure that these regulations—even if the Government might defeat us this evening, the people of this country will know that the United National Congress Alliance raised the issue in the Parliament; sought the Government's intervention; sought the Government's attention and sensitivity to at least review some of these regulations that it has placed in the Parliament through the NIB.

6.00 p.m.

We may not be successful, but we would have done our duty. We do our duty regardless of the consequences; we do our duty in the interest of the people, and we shall continue to do so.

I beg to move, Mr. President.

The Attorney General (Sen. The Hon. Bridgid Annisette-George): Mr. President, I rise to join the debate, under Standing Order 33(2). This is for the purposes of giving some clarification to the last point raised by Sen. Mark with respect to regulation 43 and, again, in the interest of the people understanding clearly what has been done.

Sometimes when we look at amendments and not the parent legislation we may fall into some error. Having regard to the experience of Sen. Mark, I am sure that he understands and well appreciates this.

Regulation 43(1) provides as follows:

"Where either the biological or step-parent of a child who is in receipt of child's allowance dies and such parent was at the date of his or her death an ensured person, the child allowance shall cease and there shall be paid in respect of that child, orphan's allowance based either on the rate of the child's allowance received by that child by reason of the death of his first parent to die or on the rate of child's allowance which the child would otherwise receive by reason of the death of his last parent to die, whichever is the higher."

Subsection (2) of that legislation also refers to "child's biological or step-parent".

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The amendment of the regulation sought to delete the words "biological or step-parent" wherever they occurred in regulation 43(1) and regulation 43(2), and substitute the words "parent or step-parent". I am certain that one readily understands that amendment, because a parent could only be biological. There is nothing like a biological step-parent. So it was to correct that error in the drafting that the amendment was made. [*Interruption*] There is no (5).

There is an amendment, and this is by adding after subregulation (2) a new regulation which is subregulation (3) which says:

"A person in receipt of child allowance or orphan's allowance shall only receive benefit in respect of a maximum of two persons, one of each sex, whether parent or step-parent."

So it is quite possible for somebody to have parents and step-parents; you could have three; two parents and a step-parent. It prohibits you claiming in the death of the three. You are limited to claiming in the death of two, being one of either sex: mother and father, step-mother and father or step-father and mother. This has nothing to do with children receiving the benefit, but by virtue of who you could claim under.

I hope, therefore, that this lends some clarification to the difficulty that the Senator had in understanding the amendment.

Thank you.

Question put.

Motion negatived.

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, April 08, 2008 at 1.30 p.m. when we will do the Caribbean Court of Justice (Headquarters) Bill.

I do not believe that we will finish that in one sitting, but time permitting we will do the International Child Abduction Bill.

Mr. President: Hon. Senators, leave has been granted for a matter to be raised on the adjournment by Sen. Mark.

Freedom of the Press (Increasing Threat to)

Sen. Wade Mark: Mr. President, the matter on the Motion for the Adjournment deals with the increasing threat to the freedom of the press by actions on the part of the Government or its agents.

It has been brought to our attention that the Government of Trinidad and Tobago, contrary to what is enshrined in the Constitution that deals with the untrammelled freedom of the press, has been engaging in a practice of harassing, in a very subliminal and sophisticated manner, [Laughter] journalists who it may believe are not toeing the PNM line. I have been informed that a senior Minister of Government who sits in this Chamber seems to be the ringleader, ringing these media houses whenever statements or stories are carried that are not favourable to his Government. Journalists are very concerned and have approached me on that matter. [Laughter]

Sen. Piggott: Ombudsman for the journalists!

Sen. W. Mark: It is my duty and responsibility to bring this matter to the attention of the President of the Senate and the population at large.

I know at times, when the heat is on, the Government may take precipitous actions that it may live to regret later on. The hon. Minister of Information, who is here with us this afternoon, is reported in the media as turning off the mike of a particular journalist. [Interruption] While he may not have physically [Laughter] turned off the mike, the reality is he was instrumental in giving guidance to the person responsible for taking the lead. So whilst he may have denied it, saying that he never engaged in the activity, it is not beyond him to have given appropriate directions to so do.

We are also concerned about the Chairman of Caribbean Airlines, Mr. Arthur Lok Jack, who confronted a journalist during the Prime Minister's private jet controversy. He wanted to know from that journalist exactly where he worked, and he would get in contact with his employers. [Interruption]

Mr. President: Sen. Mark, in looking at your Motion, Mr. Lok Jack is not a Member of the Government.

Sen. W. Mark: He is an agent.

Mr. President: I do not see that either. I do not think he has any place in this Motion.

Sen. W. Mark: I started my contribution by saying Government and its agents.

Mr. President: Do not go there.

Sen. W. Mark: Mr. President, there appears to be a subtle attempt by the Government; I do not want to call names, [Laughter] because you might advise me not to go there either. But there are senior Government officials who are involved in

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this particular activity, where they have even gone to the point of threatening to withhold advertisements from newspapers if they do not conform with the Government's line and the Government's thinking.

I raise this matter because we have seen the Government's behaviour at different levels of the society; therefore, when they are not attacking the independent institutions under our Constitution, when they are not seeking to undermine the parliamentary process, they are fast at work attempting to undermine the freedom of the press and the journalists who are responsible for that freedom; so much so that some of the young journalists become so intimidated by the threats from the Government, they are sometimes afraid to write stories. [*Laughter*]

Hon. Senator: That is a real story!

Sen. W. Mark: We would like to bring this matter to the attention of the national community. We want to advise the Government, through the Information Minister in particular, if he is aware of these particular activities and the conduct of some of his senior members. While he might have his own tendencies not to go fully in that direction, he might be nudged, from time to time, to take up positions that in his other incarnation he would never have tolerated.

I really want to bring this matter to the Government's attention, based on the information that has reached me. I would like the hon. Minister of Information, on behalf of the Government, to give a categorical undertaking today that the Government of Trinidad and Tobago is not only committed to freedom of the press, and will continue to uphold that freedom as enshrined under the Constitution, but in addition, if ever senior members of his Government are identified as being involved in activities that are designed to intimidate, harass and undermine the freedom of the press, that the Government would take appropriate action against such individuals.

6.15p.m.

This is why even the hon. Minister in the Ministry of Finance has to be very careful because he is coming very close to the edge, he has not reached there as yet, but he is coming very close to the edge in terms of how he addresses members of the media.

I also understand, Mr. President—and I need to be guided by the Minister of Information, that the private security body that is now charged with the responsibility of providing 24-hour protection for the Prime Minister at White Hall as part of his security detail as well as at his residence—that at times journalists feel

somewhat intimidated by the overwhelming presence of some of these persons in the actual area where the media conferences are taking place, whether it is at the Prime Minister's residence and Diplomatic Centre, or whether it is at White Hall. I do not know if it is a tactic on the part of the Government, but I want to advise the Government that when it is holding its post-Cabinet briefings or meetings of the media at the Diplomatic Centre at La Fantasia Gardens, it appears to us, based on information reaching us, that there is an overwhelming presence of members of this private security outfit dressed in certain colours, and because of their burly nature and look, they can at times prove as an intimidation towards the media. [*Laughter*]

The Government can giggle and smile about this but I would never raise this matter if it had not been brought to my attention, and when matters reach me it is my responsibility to get clarification. I am seeking information from the Government. I am making no categorical and emphatic statements. My contribution this evening is to seek from the Government a commitment based on the information that has reached me that there is in fact a subtle, sophisticated approach by this Government, some of its members, to intimidate, harass and at times threaten the media. All I am asking is for the Government to go on public record tonight to give the national media, both print and electronic the assurance, the undertaking that that particular development I have brought to your attention, if it exists then they will desist from hereon and if it is developing, they will take immediate action to stop it. We are seeing the direction that this Government is going and it is not far-fetched that this Government would take measures to put the media and journalists under manners, and it is our responsibility as an Opposition and as the alternative government to bring these matters to the Government's attention.

They can dismiss it, they can pooh-pooh on it, they can laugh, that is their prerogative, but it is our duty when these matters come before us to bring them to the attention of the Minister of Information and the Government and let the Government clear the air on the matters. Let it indicate what I am saying is totally untrue and that it is committed to freedom of the press and has no intention of intimidating, harassing and at times threatening the media.

So, Mr. President, this is why I have put this matter on the Motion for the Adjournment, to get a categorical statement from the Government on the question of the freedom of the press and I look forward to the Minister of Information providing you, this Parliament, and the national community with an undertaking tonight that the PNM regime is committed and will continue to support.

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There is a particular—I cannot remember the name of the treaty that the Government signed. We would like to know when that treaty is going to be translated into reality and we would like the hon. Minister to at least provide us with some clarification on the matter.

Thank you very much.

Mr. President: Before I call on the Minister, I just want to correct something in *Hansard*. Sen. Mark, I heard you say that “they could pooh-pooh on it.” I believe that the Senator meant he would pooh-pooh it, not pooh-pooh on it, which has a completely different connotation. So I direct that the *Hansard* report be more accurate, it is an unparliamentary expression. [*Laughter*]

The Minister of Information (Hon. Neil Parsanlal): Mr. President, I wish to thank the hon. Senator for affording me the opportunity to appear, at your summons of course, because under these circumstances you sit in the Chair and you control the Senate. So I want to thank you for your invitation to the Senate.

The one thing I did not hear from Sen. Mark at the end of his contribution was, this is “All Fools Day”, because I cannot believe that Sen. Mark who belongs to a party that has gained notoriety for their bashing of the press could have the unmitigated gall to come before this House and this country and accuse this Government of intimidating the press, and to suggest that members of the media, or people who belong to certain media houses are so intimidated that they will call upon him to argue their case.

Mr. President, this must certainly be inviting cat to watch butter. It can be nothing else, but I want to suggest to the hon. Senator that the next time he wants to drink tea for people's fever, blow it first, because he clearly has absolutely no idea about what he is saying. Therefore, I want to put on record this evening that the United National Congress is the biggest threat to press freedom that this country has ever faced. I will demonstrate how, why and when.

Mr. President, when I heard of this Motion, I embraced the opportunity to ascend to this House, and I thought that in ascending to this House we would be engaging in some sort of logical debate that would really put the question of press freedom into some sort of perspective, but having listened to what Sen. Mark has had to offer is a source to me of grave concern on one hand and yet a sense of happiness and I will tell you why it is happiness. It is happiness for me because clearly, my colleagues in this Chamber can breathe a little easier and get on with the work of the Government because clearly, Sen. Mark has no other substantial

motion to bring to this House. He has nothing else to bring by way of motion; it is a ridiculous motion conceived with mischief I submit, baseless in its delivery and quite suspect in its content.

The Motion is of grave concern to me—

Mr. President: Minister, excuse me. It is improper for you to suggest that the Senator brought this Motion with intention of mischief. You would not impute that kind of motive to Members of this Senate.

Hon. N. Parsanlal: Mr. President, I am guided by your ruling, and I withdraw that sentence. [*Desk thumping*] That is how we do it on this side, and I will not pooh-pooh what you have said.

This Motion, Mr. President, is of grave concern to me not only because it flies squarely in the face of all reality, but because its messenger is a member of a party that has gained immense notoriety for its treatment of the media. I have long held the view—and it needs to be said, Senator—the facts in this instance are compelling, they all point to the United National Congress’ trivializing of the role of the media in this country. But for Senators opposite, yesterday was yesterday and today is today. So allow me to remind them of yesterday.

The year was 1996, one year after the NAR, my colleague there, allowed the UNC to govern the country, the newspaper was the *Trinidad Guardian*, the Editor-in-chief was Jones P. Madeira, the headline was “Chutney rising”. The rest, as they say, is history. We will not allow you to forget it because your leader then called for a ban on the *Guardian* and called on his supporters to ban and boycott this 80-year-old institution.

In 1997, your government, Sen. Mark, attempted to impose new legal restrictions on the press including a code of ethics. It was contained in the infamous Green Paper entitled “Toward a free and responsible media” and many journalists felt that the ultimate goal of this new code was not to improve freedom of the press, but rather to place journalists and newspapers under stricter scrutiny of the government.

Also in 1997, lest you forget, Prime Minister Panday refused to sign the Declaration of Chapultepec which dealt with the freedom of the press. In 1998, then Prime Minister Panday continued his attack on the media expressing his displeasure with journalists and called on his supporters to boycott the *Trinidad Express*. Interestingly enough, the only newspaper then Prime Minister Panday did not call on to boycott or ban was the *Newsday*. I do not know why.

In April 1998, the Government refused to renew the work permit of one of the Caribbean's most respected journalists, Julian Rogers, and on November 08 of that same year, UNC supporters attacked journalists at a UNC rally in Chaguanas. This incident came on the heels of statements made by your leader, Sen. Mark, that the media should be treated as political enemies. The PNM never called the media political enemies; it has never done that. He had also instructed officials in his government not to speak to any journalist—remember that—except those of the UNC party or the *Rising Sun*. “Don't speak to journalists, said Basdeo Panday”.

On November 28, 1998, unprecedented in the history of Trinidad and Tobago, about 1,700 journalists marched around Port of Spain—do not forget that—protesting the UNC's attacks on the media and the concomitant threat to the democracy of Trinidad and Tobago. It gets worse, Sen. Mark, and that is why you should have said “April fools” at the end of your contribution.

In May 1999, then Information Minister Rupert Griffith, pre-empted the broadcast for news programme on Trinidad and Tobago Television (TTT). Do you know why? To show footage of Basdeo Panday presiding over a public event, they could not bring the newscast at 7.00 p.m.

6.30 p.m.

I could go on and on, but as I have always told you and, as my parents have told me, you should not hit a man when he is down, so I will rest with you. When you contrast the UNC performance with respect to freedom of the press and that of the PNM, it is like chalk and cheese. I am sure Senators will recall that it was the hon. Sen. Prof. Deosaran who initially moved a Motion which called for the establishment of the Parliament Channel and with all suggestions of merit, the PNM administration willingly accepted it, and today we have the Parliament Channel which broadcasts live, all parliamentary debates. For better or for worse, this channel affords even Sen. Mark the opportunity to be seen and heard every Tuesday by thousands of our citizens, even when he brings Motions as frivolous, as nonsensical and as inane as this one is. [*Crosstalk*]

Mr. President, though liberalization of the media as an industry began with the NAR—and we credit them for that—the real explosion of media took place under the administration of the People's National Movement. To date, there are 39 radio stations in Trinidad and Tobago operating on the FM band and two on the AM band.

Sen. Mark: That is why they fired you from the Ministry.

Hon. N. Parsanlal: I knew the hon. Senator would raise my departure from the Ministry of Education, but when he learns to spell “paradigm” and or “fire” then he can speak. [*Desk thumping*] There are presently six free-to-air television stations and four cable subscription stations. There are three daily newspapers and a host of weekly publications, and only last week two more licences were issued, one to CNC3 and the other to Synergy TV.

Based on the annual world press freedom index, Trinidad and Tobago ranks highest in press freedom in the Caribbean, in Central America and South America. [*Desk thumping*] Based on the annual world press freedom index, we ranked second only to Canada in North America. [*Desk thumping*]

Between 2003 and 2007, Trinidad and Tobago has maintained a consistent position among the top 20 countries in the world with respect to press freedom—[*Desk thumping*] and this is a survey done among 168 countries. We ranked consistently over the last five years in the top 20. Trinidad and Tobago ranks higher than countries like Germany, France, Spain, the United Kingdom, South Korea and even the great United States of America, which ranked 48 at the last index.

Sen. Mark will do well to recall that it took Prime Minister Manning, a man of dignity, a man of class, to sign the Declaration of Chapultepec, affirming this country’s commitment to democracy and freedom. [*Desk thumping*] When Sen. Mark talks about us stifling the media or threatening the media, I want to tell Sen. Mark and this House and, by extension, the country something.

One of the essential ingredients for a free and independent press is the ability to make money on their own, to get their advertising done. I could tell you, this Government, in 2007, spent \$69 million on advertising in the local media—\$69 million. We are the ones who are supporting local media in Trinidad and Tobago, more than anybody else. [*Desk thumping*] No media house in Trinidad and Tobago can complain that they are being intimidated; that they do not have their presses; they cannot import newsprint. None of them can claim with any truth that that is happening, and we have asked for nothing in return, absolutely nothing.

Sen. Mark alluded to my former career as a member of the fourth estate, and it is one that I cherish very dearly, Sen. Mark. I understand very clearly the role of the media in upholding a country’s democracy, and that is why, since assuming office, I have met with all the stakeholders in radio, television and the newspapers. I have met with the Media Association of Trinidad and Tobago and I have met with the TTPBA (Trinidad and Tobago Publishing and Broadcasting Association) to hear

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[HON. N. PARSANLAL]

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their views. In all those meetings I have articulated the Government's commitment to assisting the sector through technical programmes, fellowships and other training, through sponsorship of scholarships. We have done all of this, understanding that without freedom there can be no true order; there can be no stability and there can be no justice, and without freedom of expression there can be no freedom.

For all these reasons I wish to reject, categorically, the Motion raised by the hon. Senator and I wish to assert instead that this Government has consistently upheld the values and virtues of a free press and independent media. This Government stands firmly on the side of a free and responsible press and this Government will continue to encourage media owners and journalists across the spectrum to improve the quality of media available to all of Trinidad and Tobago.

That is why I say to this House; I say to you and to this country at large, that this Government will uphold every single tenet of freedom of the press; we believe it; we maintain it and, therefore, the Motion raised by Sen. Mark this evening has no basis; it is frivolous—I will not say that it is mischievous because you have so guided and I stand by your guidance—but, certainly, it is something that this country and journalists on the whole, will do well to dismiss, especially coming from somebody on that side of the Senate whose party is notorious for what they have done to the media.

I thank you. [*Desk thumping*] [*Crosstalk*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.37 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Wade Mark:

Chinese Nationals (Status of Residency)

21. Could the hon. Minister of National Security provide the Senate with the names, profession, occupation and/or company or corporative association of all Chinese Nationals who have acquired resident status in Trinidad and Tobago during the period January 01, 2002 to December 31, 2007?

The following reply was circulated to Members of the House.

Written Answer to Question

Tuesday, April 01, 2008

The Minister of National Security (Hon. Martin Joseph): During the period January 01, 2002 to December 31, 2007, the Government of Trinidad and Tobago granted resident status to a total of 2,520 persons. Predominant among them were 675 citizens of Guyana, 198 citizens of the United Kingdom and 194 citizens of China, who, collectively, accounted for 1,067 or 42.3% of the persons granted such status.

With specific reference to Chinese Nationals, the 194 who were granted resident status during the period January 01, 2002 to December 31, 2007, represent 7.7% of the total number of persons granted such status.

In terms of their profession and/or occupation, hon. Senators are advised that, according to the Ministry's records, the professions/occupations were mainly that of domestic worker, entrepreneur, farmer/agriculturist, chef, accountant, retiree, student, doctor and skilled worker.

Hon. Senators, it is considered inappropriate to disclose the names and company or corporative association of all the Chinese nationals who are now residents of Trinidad and Tobago.