

*Leave of Absence**Tuesday, October 13, 2009***SENATE***Tuesday, October 13, 2009*

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. Prof. Ramesh Deosaran 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, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. ALTHEA ROCKE

WHEREAS Senator Professor Ramesh Deosaran is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALTHEA ROCKE, to be temporarily a member of the Senate, with effect from 12th October, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator Professor Ramesh Deosaran.

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 9th day of October, 2009.”

OATH OF ALLEGIANCE

Senator Althea Rocke took and subscribed the Oath of Allegiance as required by law.

PAPER LAID

Administrative Report of the Ministry of the Attorney General for the fiscal year 2005 to 2006. [*The Attorney General (Sen. The Hon. John Jeremie SC)*]

ORAL ANSWERS TO QUESTIONS

**National Test Results
(Details of)**

91. Sen. Dr. Adesh Nanan asked the hon. Minister of Education:

- A. Would the Minister indicate to the Senate whether all primary schools in Trinidad and Tobago have received the June 2008 National Test results?
- B. If the answer to (A) is in the negative, could the Minister inform the Senate of the reason(s) for the delay?

The Minister of Education (Hon. Esther Le Gendre): Mr. President, in response to the question, the June 2008 National Test results were sent to the Education District offices of the Ministry of Education for distribution to all primary schools in Trinidad and Tobago.

The results are divided into three areas as follows:

- School performance in the four areas of Language Arts, Mathematics, Science and Social Studies;
- District performance in the same subjects; and
- National performance.

It is to be noted that all schools, 531 of them, received school performance reports. Of these, seven schools did not receive individual school performance reports in certain subjects, as the Ministry of Education had no record of those scripts being received. These schools are:

Monte Video Government School—Social Studies; Standard 2

Diego Martin Boys RC—Mathematics; Standard 1

Eastern Boys Government—Mathematics; Standard 1.

Deyanand Memorial—Language Arts; Standard 3

Mathematics; Standard 3

Science; Standard 2 and 3

Social Studies; Standard 2

South Oropouche Government—Mathematics; Standard 1

Princes Town No. 2 Presbyterian—Mathematics; Standard 1

Brothers Road Presbyterian—Mathematics; Standard 1

Sen. Dr. Nanan: Thank you, Mr. President. The Minister mentioned in her reply about school performance. Could I ask the Minister in terms of what is being circulated as past examination papers or past papers for the National Test, the Curriculum Division is approving the books for these particular subjects, but I am not sure if the Curriculum Department is actually sanctioning these past papers that are being bought—teachers are advising parents to buy—does the Minister have any policy with respect to that particular area?

Hon. E. Le Gendre: Well, the papers that you are referring to are neither produced nor distributed by the Ministry of Education. This is private enterprise as it best. There are some people there who are taking past papers. They are being sold and parents are purchasing these. Our position on matters such as these is that nothing prevents a parent from having access to past papers if they think that they would improve their support of their children at home. The schools are satisfied that they provide adequate instructions during the course of the school day, but nothing prevents book sellers or other people from combining and making available for sale to persons who are willing to purchase the past papers. What the Ministry is considering at this time, is the whole question of copyright of its examinations material. This is something we are looking into at this time.

Sen. Dr. Nanan: No, no, no. Minister, the questions that were asked, the pictures that were being supplied in some of the examination papers, they were poor in terms of quality.

Hon. E. Le Gendre: Pardon?

Sen. Dr. Nanan: The pictures that were being supplied in some of the questions were of poor quality, is the Ministry moving towards improving the examination with respect to these presentations of questions via pictures?

Hon. E. Le Gendre: I cannot help but say yes. If it is of poor quality and we are advised of that, we have no reason in the world not to want to look at it and improve upon it, if we can.

**Macqueripe Beach Upgrade
(Status of)**

105. Sen. Dr. Adesh Nanan asked the hon. Minister of Planning, Housing and the Environment:

- A. Would the Minister indicate to the Senate any cost overruns on the Macqueripe Beach upgrade?
- B. Would the Minister also state if there was planning approval for the said beach upgrade?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Thank you, Mr. President. The answer for this question is completed, but it has not gone to the Cabinet for approval. So we expect it will be ready by next week.

Question, by leave, deferred.

**Association of Caribbean States
(Benefits for this Country)**

126. Sen. Gail Merhair asked the hon. Minister of Foreign Affairs:

With respect to the Association of Caribbean States (ACS), could the Minister advise the Senate of:

- (i) The benefits this country derives from its membership in the Association; and

The benefits derived by this country by hosting the Secretariat of the ACS?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. The answer to this question although recommended, has not yet been approved by the Cabinet, and therefore, I expect this will be ready on the next occasion.

Question, by leave, deferred.

**Gang Violence
(Details of)**

150. Sen. Dr. Sharon-ann Gopaul-McNicol asked the hon. Minister of National Security:

- A. With respect to gang violence in Trinidad and Tobago, could the Minister provide the Senate with the details of the model being used to combat the problem; and

- B. Could the Minister also provide the Senate with any evidence of the success of the model being used in other countries, particularly in the Caribbean, Britain, United States of America and Canada?

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. President. In response to question 150A, hon. Senators are advised that the Comprehensive Gang Model or Spergel Model has been adapted by the police service to combat threats posed by gangs and gang violence in Trinidad and Tobago.

Dr. Irving Spergel, the leading authority on gang violence in the United States of America and his colleagues at the University of Chicago, developed this model in 1995, through the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice.

It was based on extensive research from as far back as 1987, with the development of training manuals on gangs and gang violence. The model suggests that the main contributing factors to gang violence include, lack of social opportunities, poverty, deficiencies in social policies, and lack of/or misdirected social controls.

Inherent in many programmes existing today in various jurisdictions that attempt to deal with the proliferation of gang violence, are elements of Dr. Irving Spergel's model which espouses a multifaceted, multilayered approach that includes eight critical elements:

- Initial and continuous problem assessment, using qualitative and quantitative data;
- Targeting of the area of those populations of individuals most closely associated with the problem; mix of the five key strategies: community mobilization, social intervention, opportunities provision, suppression and organizational change;
- A steering committee to oversee and guide the project;
- Direct contact intervention team that includes police, probation, outreach staff and others;
- A plan for coordinating efforts of and sharing appropriate information among those who work with youth on a daily basis;
- The steering committee and persons within the partner organizations;
- Community capacity building to sustain the project and address issues that are long term in nature;
- Ongoing data collection and analysis to inform the process and evaluate its impact.

In 2003, the United States Office of Juvenile Justice and Delinquency Prevention began an aggressive Gang Reduction Programme which tested the comprehensive gang model. Having determined that the five key strategies set out in the model were having a positive impact on gang activity in their affected cities, a number of communities across the United States of America adapted the Gang Reduction Programme to meet their specific needs. Similarly, the Trinidad and Tobago Police Service has tailored it to suit local realities.

Already a number of the strategies identified in the Spergel Model have been implemented to treat with gang violence. These include the development of computerized information systems; improved crime analysis and crime mapping procedures with the creation of the Crime and Problem Analysis Branch (CAPA); an establishment of the Repeat Offenders Programme Task Force which is responsible for indentifying street gangs, their membership structures, and turf.

The collaboration of these units provides vital information to all the agencies within the Trinidad and Tobago Police Service, and the Ministry of National Security for investigation, enforcement and suppression exercises. Also in keeping with the model, the ROP is involved in aspects of prevention and intervention activities, including the Hearts and Minds Programme and other community outreach programmes, and utilizes a team of officers headed by a sergeant to visit primary and secondary schools, meet with staff and offer solutions to potential existing gang problems.

1.45 p.m.

Additionally, Mr. President, the ROP (Repeat Offenders Programme) delivers presentations on gang related activities, providing insights to members of the public through the electronic media and collaborates with the Citizen Security Programme in their social intervention activities targeting 22 at risk communities throughout the country.

In response to part B of the question, there is no evidence of the Spergel Model being used in the Caribbean, Great Britain or Canada. However, this model has been adopted and adapted by many cities in the United States to suit their specific needs.

Some of the programmes developed using the model include the Boston Gun Programme, Gang Violence Reduction Project and Operation Phoenix. The Spergel Model has had a significant impact on public policy across the United States of America and has been endorsed by the United States Department of Justice, which has implemented its own programme called Project Safe

Neighbourhoods. This programme provides a comprehensive approach to combating gun violence by linking local state and federal law enforcement officials, prosecutors and community leaders to implement a multifaceted strategy to deter and punish gun violence. Project Safe Neighbourhoods is achieving unprecedented coordination among law enforcement officials, with emphasis on prevention, tactical intelligence gathering, more aggressive prosecutions and enhanced accountability through performance measures.

The seeds of reducing gang violence in Trinidad and Tobago have already been planted. The challenge Trinidad and Tobago faces, like many cities in developed countries such as the United States, is coordinating the work of the various agencies and non-governmental organizations. There is no overnight solution to the very serious problem of gang violence, but with greater collaboration of law enforcement agencies and the national community, we believe that ultimately success would be realized.

Thank you.

Sen. Dr. Gopaul-McNicol: Minister, I am just wondering; since the model was patterned after the American model, because you mentioned that it was not used in the UK region or in Canada, did our Government take into consideration that the American gangs are family oriented, whereas the gangs in Trinidad and Tobago are not?

Sen. The Hon. M. Joseph: As I indicated in my answer, the model was tailor-made to the circumstance that existed in Trinidad and Tobago. Pretty soon, Mr. President and hon. Senators, we are going to be bringing gang legislation to the Parliament to treat with the unacceptable levels of gang violence in the country.

Sen. Dr. Nanan: Could the Minister identify any safe neighbourhood in Trinidad and Tobago?

Sen. The Hon. M. Joseph: I am not aware that is a supplemental question to the answer I just gave.

Red Mite Disease (Details of)

151. Sen. Lyndira Oudit asked the hon. Minister of Agriculture, Land and Marine Resources:

- (A) Could the Minister indicate to the Senate the measures which have been put in place, implemented or proposed to stop the spread of the “red

mite” disease that has plagued coconut producing areas in Trinidad, and in particular the South West peninsula of Cedros and Icacos since 2005?

- (B) Could the Minister also indicate the extent of the devastation in financial and non-financial terms of the “red mite” to coconut, bananas and ginger producers of Trinidad and Tobago?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, the Ministry has embarked on a number of initiatives to manage the red palm mite; these initiatives are as follows: public awareness, fact sheets and posters have been developed and distributed to all county agricultural offices, farmers and a number of schools; a video clipping was produced by the Ministry and continues to be aired on television as part of the Government's Information Services Programme. Island wide surveys have also been conducted throughout Trinidad and Tobago to determine the spread of the pest and the range of plant species affected. Population studies are taking place to determine the interrelation between the red palm mite, natural enemies, environmental conditions and host plant species. This study is expected to provide invaluable information which would assist with the management of the pest.

On farm trials using pesticides, Oberon, lime sulphur and Neem X are being tested for control of the red palm mite on young non-bearing coconut trees. It is to be noted that the use of pesticides on bearing coconut trees is not recommended due to the human health aspects and/or contamination of water and copra by pesticides and the difficulties with applying pesticides to coconut trees.

In terms of biological control, the use of biological control agents appears to be the only economical and long-term management strategy to deal with this pest. Some indigenous natural enemies, those found in our eco systems with great potential, which include predatory mites, lacewings and beetles, have been identified. A major emphasis is now placed on the identification, testing and subsequent multiplication of these natural predators.

Regional initiatives: In addition to the above, the Ministry is involved with several regional and international initiatives. At the recently held first meeting of Caribbean Plant Health Directors in Georgetown, Guyana, on April 23—25, 2008, a decision was taken to develop a regional project on pests of palm, including the red palm mite. This project will also take into consideration the socioeconomic impact of the coconut industry. Since this pest is of regional importance, the United States Department of Agriculture (USDA), the Caribbean Agricultural Research and Development Institute (CARDI) and the Centre for Agricultural and

Biosciences International (CABI), have been collaborating in the search for a biological control agent from its region of origin. It is anticipated that once the selected biological control agent is found, it would be introduced into the region.

With regard to part B of the question, I wish to state the following: In terms of coconut production, over the last 23 years, copra production in the south-western peninsula has experienced great fluctuations. Data from St. Quentin Estate in Cedros, for example, showed extremely poor yields in 1985 and 2007, with yields of approximately 200,000 kilograms of copra per year, while production peaked in 1986 and 1991 with yields of approximately one million kilograms of copra per year; a five-fold difference.

In terms of possible causes of fluctuation in copra production, fluctuation in coconut production cannot be attributed to any single factor. The red palm mite, for example, was not present when the lowest yields were recorded in 1985. Low production in 2007 may have been caused by a number of factors, including the following: very dry weather; the year 2007 was recorded as the driest in 30 years.

Tree age: Many of the coconut estates in the south-western peninsula comprised coconut trees over 50 years old. Some of these trees, 60 years and over, have passed their peak production phase.

Nutrient deficiency: This is a chronic problem made worse by dry weather and poor management practices, such as little fertilizer application.

Various pests and diseases: Various pests and diseases could have a debilitating effect on the productivity of coconut trees. Some of these pests and diseases include: red ring disease; Cedros wilt; heart rot; scale insects; coconut moth; Cedros locust and, indeed, the red palm mite. Low production may also have resulted from normal annual fluctuations in yield due to tree vigour.

No direct cause and effect link has been established between 2007 production of copra and the red palm mite, scientifically. In fact, in other parts of the world where the red palm mites exist, no significant impact on production has been recorded. Further, the financial losses incurred by coconut, banana and ginger producers are unavailable as producers have not provided such information, nor have specific surveys been conducted. The economic impact of the red palm mite on coconut and ornamentals is still to be assessed.

Mr. President, I thank you.

Sen. Oudit: Thank you for the information, hon. Minister, but I have two questions.

The first question is: The studies, reports and trials that you indicated, could you inform the House where the reports are so that we could study them? For example, some of the farming associations would like to study the reports and trials. I understand these took place over a period of years. Could you direct me to where I could find the research?

Sen. The Hon. A. Piggott: I cannot now direct you, but we do have a Director of Research and her name is Miss Cynthra Persad. That is the person responsible for research in the Ministry.

Sen. Oudit: Another supplemental. You indicated that one of the issues was the very aged trees over 50 and 60 years old, as well as pesticides. My question to you Minister is: Are the pesticides and young saplings being given to the farmer at a subsidized rate or is there any provision for the reproduction of those areas?

Sen. The Hon. A. Piggott: I did indicate that pesticide use was not being encouraged given the effect that might have on other plants in the region and the height of the coconut trees as well.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the Government is not in a position to answer questions 164, 167 and 171 at this time. I would like to ask for a three-week deferral, given the state of where we are in the process.

The following questions stood on the Order Paper in the name of Sen. Gail Merhair:

**Domestic Violence Cases
(Details of)**

164. With respect to the issue of domestic violence in Trinidad and Tobago, could the hon. Minister of Community Development, Culture and Gender Affairs indicate to the Senate:

- (i) the number of cases which have been reported to the police within the last five years;
- (ii) the number of persons who have died as a result of abuse suffered through domestic violence; and
- (iii) the steps taken by the Government in the last two years to combat this scourge?

**Placement of “ttconnect” Terminals
(Contemplation of)**

167. Could the hon. Minister of Public Administration state whether the Government has contemplated the placement of “ttconnect” terminals in all forty-one (41) constituency offices throughout Trinidad and Tobago?

**National Food Crop Farmers’ Association
(Existing Relationship with Ministry)**

171. Could the hon. Minister of Agriculture, Land and Marine Resources indicate to the Senate the nature of the existing relationship between the Ministry and the National Food Crop Farmers’ Association?

Questions, by leave, deferred.

**UDECOTT
(ERRONEOUS STATEMENT ON)**

Sen. Wade Mark: Mr. President, on Thursday, October 01, 2009, during my contribution on the Commissions of Enquiry (Validation and Immunity from Proceedings) Bill, 2009, I told the Senate that a company called Johnston Construction Limited was awarded a tender by UDeCott without any competition. At the time I made this statement, I genuinely believed that the information was reliable and true. [*Laughter*] I was unaware that the issue was explained in the other place. Since that time and, more particularly, since Monday, October 05, 2009, it has been brought to my attention that this information was, in fact, erroneous.

I wish to unreservedly apologize to you and this honourable Senate for the inaccurate information conveyed to you. Rest assured that it was never my intention, and is never at any time my intention, to mislead this august House.

I thank you.

Sen. Narace: "Yuh get ketch!"

Sen. Rogers: Mr. President, as the mover of this Motion and a member of the Committee of Privileges, I believe that it is only proper to advise this House that I will recuse myself from the proceedings on this matter.

Mr. President: Hon. Senators, in substitution of Sen. Rogers on the committee for the purpose only of hearing the second matter that has been referred to the committee dealing with Sen. Mark, Sen. Lezama will replace Sen. Rogers.

Sen. Joseph: There is another matter? [*Laughter*]

2.00 p.m.

PRESIDENT'S EMOLUMENTS (AMDT.) BILL

Order for second reading read.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, I beg to move,

That a Bill to amend the President's Emoluments Act, Chap. 2:50, be now read a second time.

The matter before this honourable Senate is a Bill that proposes to amend the President's Emoluments Act to provide that the pension payable to former holders of the office of President is reviewed every six years from the date the holder of the office ceases to be President.

It has long been established that as a holder of the highest office of the land the office of the President ought to be treated with the requisite levels of respect and distinction. It is often said that the quality of a society is determined by the manner in which their elders, their leaders and their heroes are treated. It is also true that the framers of the original Act could not anticipate every circumstance or envision the future. Time and circumstance have therefore acted together in a way that has diminished the noble intentions encapsulated in the original legislation. This is why the Bill is now before us.

The Presidents of our Republic are called upon and expected to serve the nation, represent the embodiment of the country and uphold the reputation and stature of the nation during, and as well, after holding office. It is only fitting, therefore, that former Presidents are provided, to some extent, with the means to enable a lifestyle consistent with their service at the highest level. We should not, as a country, have former Presidents falling into constrained financial circumstances.

We should be mindful that many former Presidents may otherwise be able to engage in lucrative career opportunities that can provide comfortable and secure retirement. Whilst the remuneration and benefits as Presidents are not targeted to replace such opportunities, Presidents should be able to be assured that after serving in this highest office, there can be some measure of financial security which will not be compromised by the passage of time and the inevitable increase in living cost.

We want to be able to continue to have persons of the requisite calibre in terms of experience, capacity and integrity to accept the mantle to serve as

President. One should not have to make a choice between some level of financial security in retirement and service in this country's highest office.

I also wish to point out that although retired, the circumstances and conduct of former Presidents can still impact this country, the way in which this country is regarded and its reputation. Furthermore, where such persons command the necessary respect and high regard, they are in a position to make valuable contributions on matters of national interest to our benefit, both domestically and internationally. Thus, quite apart from reasons of personal financial security for former Presidents, there is a national reason for us to ensure that former Presidents are able to maintain a lifestyle befitting their past and their continuing status in the society.

This Bill, as of now, will potentially affect the position of two former Presidents and the spouse of a former President. I wish to make it clear, however, that these provisions are aimed at establishing more reasonable retirement provisions for former heads of State of Trinidad and Tobago and will therefore redound to the benefit of all future former Presidents, whoever they may be.

Clause 1 provides the short title of the Bill. Clause 2 seeks to provide the interpretation provision. Clause 3 seeks to amend the Act by inserting after section 3 a new section 3A to provide for a review of the pension payable to former Presidents after every sixth anniversary from the date a President ceased to hold office. The provisions of the new section 3A also provide that persons who cease to hold office for a period in excess of six years, as of April 01, 2008 are entitled to a revision as at April 01, 2008. The proposed section also provides that the options available under section 3(2) of the Act will not apply to the revised pension under the proposed section.

A new clause 4 was added to provide for the widow of a former President to enjoy the improved benefit which this Bill is intended to enact. This amendment was inserted in the other place on the basis that the proposed changes to the regime to calculate the pension of our former office holders of the office of the President, should apply also to the surviving spouse of a deceased President. It was argued that to deprive such a surviving spouse of the change would be unfair and unreasonable, especially when under the Act the spouse of a surviving President, upon his death, will, in fact, enjoy the benefits that will arise from the proposed change. In any event, it was also argued that this amendment will apply to only one person and there was no reason why it should be denied that person.

President's Emoluments (Amdt.) Bill
[SEN. THE HON. M. BROWNE]

Tuesday, October 13, 2009

Government has been engaged in the ongoing upgrade of pension provisions for various categories of public officers. First in 2008, we introduced and passed the Assisted Secondary School Teachers' Pensions (Amdt.) Bill, 2008, which amended the Assisted Secondary School Teachers Pension Act, Chap. 29:03 to allow for acting appointments to be included in pension entitlements. Secondly, the Pensions Act, Chap. 23:52, in 2008 was amended to allow for interim allowances to be counted in determining the pension entitlements of certain officers in the teaching service. Thirdly, the Prison Service Act, Chap. 13:02 was also amended in 2008 to provide for acting and qualifying allowances to be counted in determination of pension entitlements of prison officers. Fourthly, the Retiring Allowances (Legislative Services) Act, Chap. 2:03 was amended in 2008 to upgrade the pension entitlements of legislators, including survivor benefits.

We hold our Presidents to a higher standard of duty and care during and after their presidency. Enactment of this Bill will allow our former Presidents and their spouses to maintain a decent standard of living when in advanced years they may continue to enjoy their presence amongst us, many years and even decades after they demit office.

Once again, I say that the original framers of this piece of legislation, through no fault of their own, could not anticipate the future. This is the general purport of why this legislation has become necessary. This legislation, therefore, assumes the task of lending guided assistance to righting some of the unintended inequities resulting from the last piece of legislation which dealt with the emoluments of Presidents through the effluxion of time.

I beg to move. [*Desk thumping*]

Question proposed.

Mr. President: Hon. Senators, before I call on the first speaker, allow me just to advise you that as you make your contribution, to keep a very close eye on Standing Order 35(8). This is a Bill that has four clauses, of which only two have any effect on the law as such and I am going to confine you very closely to the legislation in front of us.

Sen. Wade Mark: Mr. President, the purpose of the measure before us is to amend the President's Emoluments Act to ensure that the pension payable to former holders of the office of President is reviewed every six years from the date the holder of the office ceased to be President.

Now, this particular measure that is before this honourable House requires us to look at this issue in a very dispassionate and objective manner. No one can deny, as the hon. Minister has said, the need for retired Presidents of our Republic to be treated decently and with some degree of dignity in their retirement. We

believe that they are entitled to be treated decently and properly. Therefore, if there is a crisis of cash, as so many of the elderly in our country are experiencing today—a crisis of cash—it is incumbent upon us as legislators and lawmakers to do whatever we can to provide the necessary kind of assistance to our retired Presidents.

In this regard, I would have liked the hon. Minister to share with us what is the current plight; what is the current status; what are the current pensions that our former esteemed Presidents receive at this time. I do not know. I do not think anyone here is aware of the kind of pensions that the retired Presidents receive. Is it \$5,000?

I know, as an example, there is an assistant commissioner of police who resigned close to 1999/2000 and he only receives just less than \$5,000 a month. I know that there are many teachers today who have retired and they are living hand-to-mouth. There is a difficulty to make two ends meet in this country and there are many senior citizens in our Republic who are having great difficulty to survive.

Mr. President, as you are aware, the Central Bank did a survey some time ago and it showed the plight of our retirees and our elderly in this country. So I believe it is only fair that the Parliament ought to be apprised of the real situation facing our Presidents in this country. For instance, I would like the hon. Minister to tell us how many pensions is the former President, His Excellency Ellis Clarke, in receipt of today. Is it one pension; is it two pensions; three pensions; four pensions? I do not know. I think it is a duty—*[Interruption]* No, no, no. If we are taking decisions here, you cannot come and short-change us here and tell us that you cannot tell us. You must be able to tell this Parliament, otherwise you are tying our hands behind our backs. Because I am made to understand; I have been informed—

Sen. Joseph: Again?

Sen. W. Mark: I have been advised, and I have been reliably informed that the former President, His Excellency Ellis Clarke, is in receipt of four pensions. He is in receipt of a pension, and as I said, four. I do not want to deal with the offices at the moment, but I think the hon. Minister who moved this particular Bill should level with this country and this Parliament.

I want to let you know, we are in support of ensuring that the former Presidents of this country and the spouse of the late Noor Hassanali—we are of the firm view that they ought to be properly treated. So make no mistake about it; that we

want to make sure that our Presidents live in dignity and decency. I think we must lift the bar in terms of the amount of pensions that they receive if they are experiencing challenges in making life more comfortable for them. I have no problem, and we have no problem, with ensuring that is so. However, I think it is the Government's responsibility and duty to let us know in this Parliament what we are dealing with.

2.15 p.m.

The Bill is very clear. The Bill says that you want to bring the past Presidents to the same level as the current President in terms of pensions. We know for a fact that when the Presidents retire, whatever their last salaries were, that becomes their pensions. If as we speak, according to the SRC, the President is in receipt of a salary of \$49,500 a month we are to conclude that what we are seeking here today is to bring Sir Ellis Clarke, if he is getting \$6,000 or \$15,000 to bring him up to a level of \$49,500. If he is receiving \$20,000 a month, it is the difference between that and \$49,500. That is what I understand.

We need to understand the current state of play as it relates to the Presidents of this country. The Minister in the Ministry of Finance must be armed with the information to share with Parliament. How many pensions Sir Ellis Clarke is in receipt of? What is the value of each pension that he is in receipt of? What is the total value of Sir Ellis' pension at the end of the month? We would be satisfied that the case that is being made today is a case that we would all support. How can we support a case when we have no evidence, statistics and data? I think that it is incumbent on the hon. Minister in the Ministry of Finance when he is speaking—[*Interruption*] Do you want to tell us?

Sen. Browne: Thank you very much for giving way. Mr. President, as I understand it we are speaking here about the emoluments and the treatment of emoluments towards Presidents and former Presidents. We are not interested in what they earned outside their positions as President. The request has been made for information with respect to the other pensions that may be payable in light of what else they did before is not before us. As I understand it, the emolument of the former President, Ellis Clarke is \$6,000 or thereabouts and that is one of the inequities that we are here to correct. It does not only apply to former President Ellis Clarke but also to former President ANR Robinson, as well as the spouse of deceased President Noor Hassanali, on the basis of clause 4 with the amendments we seek to make.

Mr. President: Thank you for that Minister. Senator, I think that you have made that point and you can move on to another point.

Sen. W. Mark: You need to clear the air on that matter. There is conflicting information on that. We need to get the truth. In the other place we were told \$13,000 and now we are being told \$6,000. Let us get it clear.

Mr. President: I ask you to move on.

Sen. W. Mark: I am trying to move on but I need to get clarification.

Mr. President: Just move on.

Sen. W. Mark: How can I move on when I do not get clarification? I need to get clarification.

Mr. President: One statement.

Sen. W. Mark: Yes, one statement. Here it is we have information that in the other place it was \$13,000.

Mr. President: You have asked the Minister to clarify. Whether or not he does it is up to him. You have made that point, now move on to some other point.

Sen. W. Mark: Are we going to speak on this Bill or are we not going to speak on this Bill? I want to know if we are being tied down here today in terms of our contribution to this thing. [*Interruption*] Standing Orders? I stick to the Standing Orders all the time. [*Laughter*] I would like the hon. Minister to tell us the basis for the formula. How did he arrive at this formula? Why does the formula given in this Bill say that it must be reviewed every six years? Why not every three years, four years, five years or two years? We have been offered no explanation for the formula.

It is very unfair for the Minister to rise and say that the question of how many pensions somebody got is irrelevant, when in truth and in fact, the ordinary people of this country, the senior citizens of this country have been given a ceiling of \$2,800. [*Desk thumping*] The Government said that if you get \$2,000 from NIS, you cannot get more than \$800 for the Senior Citizens Grant war chest. All you are entitled to by this Government is \$2,800 a month for the senior citizens of this country. Is this fair? The question here is equity. We have to deal with equity and justice for all the people of this country. [*Desk thumping*]

There must not be discrimination in this country. For one set of people you are reviewing every six years. What about the hundreds of thousands of senior citizens who are getting the little *cacada* every month and cannot make two ends meet? We are being told in this legislation and I would quote because I want to keep within the framework of the legislation.

Clause 3A says:

“Every person mentioned in section 3(1) is eligible on every sixth anniversary of the date he ceased to be President for a revised pension equivalent to the salary payable to the incumbent on that date.”

Who could object to that? All we ask is to give us a rationale, an explanation. What is the reasoning behind the six-year period? Why are you reviewing it every six years? You are not reviewing the elderly pension in this country every six years. You are not reviewing what workers get as pension from NIB. Why are you trying to discriminate and promote inequity in terms of this society? I agree that the President of this Republic and the retired Presidents need to live a decent life and have the kind of wherewithal, financially speaking, for them to live. Every retiree in this country is entitled to equity. If you can do it for the President, do it for the senior citizens of the country! [*Desk thumping*] Review their situation!

We are calling on the Government—just as how they brought a Bill to review this particular situation involving all the retired Presidents—to review the ceiling of \$2,800 a month that it has placed on the elderly. If I worked and paid my NIS every month and made 750 contributions, when I retire I am entitled to my \$2,000 a month. The Government did not give me that. I worked for that! I paid for that! Therefore, when you get my oil and natural gas out of the ground and gain revenues and royalties from that, you are supposed to pay me that too via a pension. Do not tamper with my pension and tell me because I am getting \$2,000 from the NIB, I can only get \$800 for the old aged pension which is now \$1,950. What the elderly in this country should be getting is the \$2,000 from NIS and \$1,950 for old age pension. I am saying—

Sen. Gronlund-Nunez: Mr. President, on a point of order, I would like to know—this contribution at this point in time has no relevance to what is before us. We are not discussing the old age pension, NIS, et cetera. Could you ask that the hon. Senator keep within the subject at hand?

Mr. President: I do not think that the Senator is completely irrelevant. He is belabouring a particular point and he has been doing so for the past 10 minutes. Senator, I am giving you a very short rope this afternoon. Make your point and move on please.

Sen. W. Mark: We have no challenge and limited objections to what is being proposed. We are asking the Government to be fair, just and equal in what they are doing. We are not asking for more. We know that whenever we speak to the

issue of pensions—when it comes to pensions for Presidents, as I understand it the Constitution of this country under section 140 talks about a Salaries Review Commission. Section 141(1) of the Constitution says:

"The Salaries Review Commission shall from time to time with the approval of the President review the salaries and other conditions of service of the President, the holders of offices referred to in section 136(12) to (15), members of Parliament, including Ministers of Government and Parliamentary Secretaries, and the holders of such other offices as may be prescribed."

The Constitution says that the SRC is responsible for determining and reviewing, not the Parliament. The Parliament did not get that power. It is the SRC that has that power. It says that the SRC "shall" not may. This is mandatory. "The Salaries Review Commission shall from time to time with the approval of the President review the salaries and other conditions of service of the President" which will include among other things, all the conditions to which the President is entitled which would include pension. That is a condition of employment.

How come we have a Bill before us which is in violation of section 141(1) of our Constitution? Parliament does not have the power as I understand it in section 141(1) of this Constitution to review the terms and conditions of these past Presidents. We do not have the power. If you are going to do that, is that not ultra vires the Constitution? Does that not call for a special constitutional majority, if you are tampering with the Constitution? The Constitution is very specific.

When the hon. Minister spoke he was very silent on the Constitution. He made no reference whatsoever to section 141 of the Constitution that gives the SRC the mandate to review the terms and conditions of employment of the President and other office holders. We will like the hon. Minister when he is winding up to indicate to you and this honourable Senate exactly what we are being asked to do today. Are we being asked to break the law? Are we being asked to violate the Constitution? If we are not careful where is it going to stop? Where is it going to end? Today it is the President that we are reviewing in terms of past presidents' pensions. Tomorrow, what would it be? Prime Minister? Then the following month, who will it be? The Ministers? What is the role of the SRC in this whole instance?

2.30 p.m.

Mr. President, when I raised the issue of Members of Parliament being given a pension, I was told that we could not take any decision. I remember Sen. Dana Seetahal SC, in a debate, saying that we are legislators and asking why not delete

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or add under the word "legislators", the word "Senators", and we were told we could not do that; that it was a matter for the SRC. Today, we on the Front Bench, the Independent Senators and many government persons on that side who are not Ministers are not entitled to any pension, except a little gratuity after five years. Do you know why, Mr. President?

Although we make laws, the law that deals with pensions for legislators leaves us out as Senators. We are not described as legislators and are not entitled to a pension, although we labour and toil here every Tuesday on behalf of the people, making laws. We are not lawmakers. So what are we? Why are we debating this Bill, if we are not lawmakers?

The point is that the Government has brought legislation which we will support, in principle, because we believe that our retired Presidents must be entitled to a decent standard of living. We could never be opposed to that. We want our former Presidents to be well off and taken care of properly in the society. However, all we ask is: Has the Government given this proper consideration in light of what I have just said about the SRC? Are we not flouting the laws of the country to satisfy a few people? I have no problem with former Presidents enjoying a proper and decent standard of living. All we ask is that the Government pay very close attention to what is taking place with the law as it relates to the SRC.

I would like the Government to tell us why Senators are not legislators, why we are debating this matter and why they do not change the law to make all Senators' posts pensionable, so that we would be entitled to pensions too. Here we are debating a matter to give increased pensions to others and we have no pension rights. Something is wrong with that.

You want to review; give us the formula. We would like the Government to give us some answers. We would also like to know the option exercised by those outgoing Presidents. Did they take, for instance, most of their income in the form of gratuity, in terms of a lump sum payment; or did they take three-fourths in pension and the next quarter in gratuity? We do not know.

Mr. President, tell me if I am wrong. I do not believe that the President of this country pays taxes. Is the income of the President taxed?

Mr. President: You are getting close to the line. Let me clarify that issue. The emoluments paid to the President, as the President, are tax free. Any other income he may have is not similarly exempt. It is the emolument of the President paid to him as the President that is tax free.

Sen. W. Mark: So his monthly income is not taxed. I want to make it clear that I cast no aspersions on the President of this Republic. I cast no aspersions on the retired Presidents of this country. We are debating a matter and I believe it is our right and duty to have as much information to make an informed judgment and decision at the end of the proceedings. It is not intended to cast any aspersions on the character and good name of the President who is currently there or those who have gone. I want to make that very clear so that no one gets the wrong impression that we are here to attack anybody. We are not attacking any President.

All I am saying is that if it is that the income enjoyed by a President is tax free—and as I understand it, everything that is enjoyed by our Presidents is sponsored by the State—if a President works for \$20,000 a month, but he gets a chauffeur, a car, a home with butlers and chef and all the food free, everything, do not our Presidents save?

I am asked to save. The Government has told me and the hon. Minister has told everybody from cradle to grave to save for retirement. That is what the Minister in the Ministry of Finance recently told us and something about too old too late. I am asking: Why, over these years, our Presidents have worked hard and dedicated and committed in terms of service to this nation—in economics, European type, because in the Caribbean it is different, income is a function of savings; in Trinidad and Tobago, savings is a function of culture. That is why the theory of savings as the European sees it, cannot be applicable wholesale to our situation in Trinidad and Tobago. We have a different cultural experience.

If we take the European example and the understanding of a conceptual framework as it relates to savings and say it is a function of income, then the question that must be asked is: Why, over these years, did our retired Presidents not engage—

Mr. President: Senator, do not go there. That is now treading on the conduct of existing and past Presidents. Whether or not they have saved, whether or not they are wealthy, whether or not they are destitute, is not an issue for debate here. The only question in front of you is whether they have the option of amending their pensions. The personal circumstances of the past Presidents and their wealth, as well as the existing President, will not be called into this debate. [*Interruption*]

Sen. W. Mark: We have a responsibility to the country. We are trying hard to support this measure, but it seems that we are having some challenges.

The question we have to pose here—I would like the hon. Minister of Energy and Energy Industries probably to help with this one later on—it comes to the question of equity and the review of pensions every six years. I would like to ask the hon. Minister of Energy and Energy Industries, whether he is aware of a Memorandum of Agreement signed on December 17, 2003 between Petrotrin and the OWTU as it relates to retirees' pensions.

There are some seven pension plans. I am dealing with this in the context of the review of this every six years. I am saying that, in terms of retired workers at Petrotrin, they too have an entitlement to a decent pension. I am asking the Minister if he is aware of the agreement, signed in 2003, to merge these particular plans. The pensions that retirees get are so low, if they were to combine all these plans, they would receive a better pension. My information is that all the work has been done at the steering committee at the technical level, but the matter has been sent to the Parliamentary Counsel. It is supposed to be drafted in legislative format to come here so that these retirees who were demonstrating outside Petrotrin some time ago would enjoy a more decent pension.

Just as we support the retired Presidents getting a decent pension to live, we are also supporting and asking the Minister of Energy and Energy Industries also to support those Petrotrin retirees in getting legislation here so that all the seven plans could be merged.

Sen. Enill: The Petrotrin company, as you are aware, was made up of a number of companies that came together. Each company has a specific pension plan with specific rules, all approved by the Board of Inland Revenue, going through the entire activity. During the course of the discussion, the OWTU and Petrotrin, in the new arrangements, negotiated specific arrangements for the employees who were on the plan.

There is a group of ex-employees who came to me and said that they believe that they have an entitlement to get what the new plans are, notwithstanding the fact that at the time it was negotiated they were no longer members. They are looking for a gratuitous type of activity. We have asked them to get the union to make representations on their behalf and there is some difficulty in doing that because the union has said that these people, at the time this was being negotiated, were not part of the process.

We are looking at that. It is a matter in which I am involved; it is a matter under consideration. The other matter as it relates to merging has financial implications and the Ministry of Finance is currently looking at it. You are right;

there are three or four versions of it, but there are difficulties with the legal arrangements relative to the vesting and the liability issues on the specific plan. I am aware of it.

Sen. W. Mark: On that point, I ask my honourable colleague and the hon. Minister in the Ministry of Finance—I have no difficulty in a former President getting 100 per cent salary in terms of pension rights, but I ask the hon. Minister of Energy and Energy Enterprises and the hon. Minister in the Ministry of Finance, why workers in this country, when they retire, are only entitled to two-thirds or three-quarters of their final salary in the form of pension? Why can there not be equity across the board for all categories of workers, not only workers in the public service?

I think the hon. Minister mentioned some statement in her budget presentation that they were going to do away with the 33½ years so that workers will get an entire 100 per cent pension at the end of their working lives. The question to the hon. Minister of Energy and Energy Industries and the hon. Minister in the Ministry of Finance, I think it should be a policy on the part of this Government that workers should be entitled to 100 per cent pension as it relates to their final salary; not three-quarters, or 33½ or 67 per cent or just two-thirds, give them their full 100 per cent in terms of pension. I believe that the Government should take that on board.

2.45 p.m.

I want equity. Just as how we do not tax the income of our Presidents, when people retire and they have pensions, they should not be taxed. Do not tax people's pension. Let the people go home and get their pension without being taxed.

I do not know to what extent the Government is aware that the purchasing power, because of the runaway inflation rate, has eroded the quality of life and standard of living of the ordinary people. I would like to ask the hon. Minister in the Ministry of Finance: What intentions are there, on the part of the Government, to index pension to the cost of living, as it is called indexation? We would like to propose to the Government that there be some system in place to index pensions to the cost of living. As the cost of living rises, you will find pensions would also increase. I know it would be an expensive proposition, but we do not have to come back here every year to give an increase to the old age pensioners, an increase to the government retirees or to plead.

I have an article:

“Retired judges facing hard times”

Do you know why? This is because they do not have the income to survive. I would like to ask the hon. Minister in the Ministry of Finance, because he wanted to raise a point a short while ago—I would allow him to make it at this time. Go ahead, my brother.

Sen. Browne: In response to the specific request, with respect to the Salaries Review Commission, as I understand it, section 141 of the Constitution applies to the position of the President whilst he is in office, not when he is out of office. In this position, we are dealing with the office holder after he has left office and, therefore, what we are proposing today does not violate the terms of the Constitution.

Secondly, with respect to the issue of why pensions are taxed, very simply, in all instances, actually, a contribution to approved pension schemes is treated as an allowable deduction for taxation purposes. I could say that without fear of contradiction. As a quid pro quo for allowing you no tax on the items which are being used to go into savings, the subsequent withdrawal from savings, is tax in our hands when you receive it. Those deductions, which are allowed when you are working were not taxed and the return to you, with regard to the income, is taxed when it comes to your hands on retirement.

With respect to the issue of 100 per cent pension, essentially that accounts for a one-to-one position, which is not supportable, invariably the design of a pension plan is the subject for actuarial advice and the actuarial advice is based upon the issue of prudence and sustainability of the fund. It is on that basis that there is a limit, in terms of—there is a certain maximum that you can get. Under existing arrangements, the pension plan's provisions allow for the maximum position to be $66\frac{2}{3}$ per cent of what is the final number or the average number or the final position.

With respect to the removal, I do not think that the removal that was envisaged by the Minister and stated in the budget speech was ever to carry with a situation where you would receive 100 per cent pension. It was simply to avoid a cap being put into position and a cap that would be continuous. It does allow some accretions, in terms of the movement of your salary, so it does allow for your pension to increase. I do not think it moves beyond the two-thirds position.

Sen. W. Mark: I would then call on the hon. Minister in the Ministry of Finance to hasten and bring new legislation to this Parliament to deal with retirees and former Government Ministers. I know for a fact that a former Government Minister, Kamaluddin Mohammed who has served this country for 40 years is currently in receipt of a mere \$8,000 per month. I believe that as a person who has served this country long and hard—he is not alone, there are many former Government Ministers who have retired and they are really under a lot of stress. I believe that is an area I would like the Government to also consider, in bringing back legislation to improve the conditions of these former Government Ministers. Whether they are from the UNC, NAR or PNM, they are citizens of this country. They have served their country with distinction. I believe that they are all entitled to a decent standard of living and a good and improved quality of life. Therefore, I ask the hon. Minister to pay attention to this particular matter.

When we are talking about pension rights for Presidents of this country, I make the point that it ought to be equitable and comprehensive. I would like to ask, through you, the Minister in the Ministry of Finance, another question. I do not know if the hon. Minister is aware, but workers in this country who have retired or were retrenched, took their savings—

I do not know if you are aware that the case involving the collapse of Bear Stearns started today in the United States. Some very high-level officials are in court today. Do you know why? They misguided investors, in terms of putting their money in investment schemes that were toxic in that regard. They are now before the court. I raise this point to ask the hon. Minister in the Ministry of Finance to investigate this particular matter.

We have workers who have been retrenched. They took their moneys, based on a scheme that was devised by the Unit Trust Corporation (UTC) and the Agricultural Development Bank and invested close to \$350 million into that scheme. It was only designed for them. Do you know the end result? The workers have been left bankrupt. Here it is, the ADB and the Unit Trust Corporation conspired and developed a scheme to bring workers' pensions—that was their life savings. Imagine you worked and you are retrenched from Caroni (1975) Limited and you take your savings, which is your pension that you are entitled to use, and you put it into a savings scheme because you will earn income over a six-year period. They actually misled these workers. I believe that the Government of this country is in charge of Unit Trust Corporation and the ADB. I call on the Minister in the Ministry of Finance to launch an investigation, because it involves 3,100 former Caroni (1975) Limited workers and they have lost all their savings and

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pension. They are now putting more strain on the Government's system. I ask the hon. Minister to investigate that matter. To me, it is about the pensions that these people were entitled to. They would have saved whatever retrenchment money or severance they would have gotten over a period of time. They have now lost all this money. I am asking that the hon. Minister in the Ministry of Finance pay some attention to that matter and see to what extent he can help these workers.

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.

Mr. President: Senator, I trust that you will come back to the Bill.

Sen. W. Mark: Right to the Bill, Sir. With your help, I was able to ask some questions. I thank you very much.

I just wanted to ask the hon. Minister, through you, again, whether cash—you can offer services. When we retire we need services. We are Senators in this Parliament and we do not have a medical package. If I fall sick tomorrow or anyone of my colleagues fall sick tomorrow, we have to dig in our pockets in order to go and take care of ourselves and that is unfair. [*Interruption*]

Mr. President: Senator, I have to stop you there, because that is misleading. I live here too and medical health care in this country is free, the last time I went to Mount Hope.

Sen. W. Mark: Not a benefit, an entitlement.

Mr. President: It is an entitlement of every citizen in the country to have free medical care at any state hospital.

Sen. W. Mark: It is very poor, Sir.

Mr. President: That is another issue and that is debatable, but that is not on the table for debate this afternoon

Sen. W. Mark: I take your point, Sir.

Mr. President: So, do not mislead. Be very careful about what you say.

Sen. W. Mark: I am not misleading.

Mr. President: That statement would have been misleading.

Hon. Senator: Three strikes.

Sen. W. Mark: Three shots? “No boy, is ‘bout 10 strikes fuh me; not three.” The point I am making is that in the SRC Report, Members of Government who are Ministers are entitled to free medical attention at Mount Hope Medical Complex or any other place they are desirous of, once the Cabinet approves it. That is a benefit that the Ministers of Government are entitled to. We on this side are not entitled to that. *[Interruption]*

Sen. Manning: A point of clarification.

Sen. Narace: Mr. President, that is incorrect. The Members of Cabinet are entitled to medical attention at Mount Hope Medical Sciences Complex and any government institution.

Sen. W. Mark: Once you make a request to Cabinet.

Sen. Narace: Anybody can make a request to Cabinet.

Sen. W. Mark: If you make a request to Cabinet.

Sen. Narace: I have not made a request. I do not know.

Sen. Dr. Dick-Forde: You do not have to make a request to go to Mount Hope.

Sen. Narace: I am saying that it is an entitlement. You are getting into hypothesis. The entitlement is at Mount Hope.

Sen. W. Mark: I stand corrected. I am asking the hon. Minister in the Ministry of Finance, in terms of cash versus services: To what extent the Government would want to consider this particular question, re: the review that is taking place? I would like to know what the entitlements of our retired Presidents are. Apart from giving them an increase in their pensions, should they not be entitled to free medical care? I am just asking the question. I do not know if they are entitled to free medical care outside of what you have just said.

If you go to a particular hospital or clinic and you are ill, you have to pay. Why should the Government not pay or take responsibility for paying the medical bills of our past Presidents? I am not too sure that is done. I am asking the Government, through the Minister in the Ministry of Finance, to take a look at that particular provision. In other words, if somebody gets sick as a retired President and he has to be rushed to St. Clair Medical Centre or Medical Associates in St. Joseph, given the emergency situation, would they have to pay from their own pockets or are they entitled to some support from the State? In terms of medical and other services, the Government should look at that.

I also want to put in a plea for retirees in the government service who have been submitting, year in year out, proposal after proposal, to the Government, as it relates to pensions. I believe that the Government should take on board some of the proposals that have been made to them by these particular citizens. They have asked for basic things that they were entitled to when they were in the government service. For example, when you are a judge or a senior public officer, you get certain benefits, you can travel on the Priority Bus Route, or if you are going abroad you do not have to pay departure tax as the case may be. These are just examples of services that are extended to our senior citizens.

3.00 p.m.

Mr. President, if they want to travel on a ferry from here to Tobago, I believe these are things that the Government ought to consider, because senior citizens have worked very hard.

Hon. Senators: That is free.

Sen. W. Mark: These senior citizens have worked very hard. [*Interruption*]
The ferry from here to Tobago?

Hon. Senators: Yes.

Sen. W. Mark: Well, I am glad. So, when I reach that age I will also be able to travel free. Thank you very much. [*Interruption*] Mr. President, I am guided on this particular matter.

Mr. President: I think you are running into trouble with some of your facts, and they also have no relevance to the debate in front of us. I have allowed you a fair amount of latitude, so it is either you come back to the debate or take your seat.

Sen. W. Mark: Mr. President, thank you very much. I am coming to the end of my limited contribution and I would just like to summarize. I would like to ask the hon. Minister to provide this honourable Senate with the following information that would assist us in making a decision on this matter: We would like the hon. Minister to tell us what is the basis for the formula. What is the rationale for the formula that he has advanced in this piece of legislation? We would also like to know whether it is the intention of the Government to really extend these reviews to other categories of workers who have retired and who no longer fall under the purview of the SRC; whether they are police officers, teachers, judges, persons at Petrotrin or retirees in terms of the merged plans. In the case of senior citizens, we would like the Government to lift the ceiling.

It is our view that there should be a universal pension in our country of \$3,500 a month across the board. There should be a universal pension. We are saying that this is a consideration we must take on board. We should also take on board indexing that to the cost of living.

We believe that when people reach the age of 60 or 65, they ought to be living decent and respectable lives. Mr. President, I do not care what your station of life is, but I believe that all citizens ought to be entitled to a decent standard of living. The only source of income you have when you reach a certain age in this country is your pension. Of course, we have other persons like the white-collar criminals. There are many of them in Trinidad. There are many white-collar criminals in this country who do not have to study about pension. But in terms of ordinary people like you and me, we have to deal with our savings and make sure that when we get our pension that pension would be able to take us through life.

You have to pay your telephone bills, T&TEC bills, water rates and you have to deal with medical attention and care. Mr. President, sometimes when we reach the age of 65, we have to deal with our grandchildren and some of our children. These are things that we have to recognize exist in our country and, therefore, it is incumbent upon the Government to pay attention to the plight of the elderly in our country. I am speaking on behalf of the elderly in this Parliament today. Nobody is speaking on their behalf, and I think that somebody has to represent the interest of the elderly, and I am also speaking for the retired presidents. I think that what is here today, we are not going to object to it. We believe that they are entitled to a decent standard of living. All we ask for is that it must be equitable. It must be comprehensive and holistic and it must be across the board for all the citizens.

Sen. Enill: Mr. President, Sen. Mark continues to make comments and I think that he has cost them. Could you tell me what sort of cost you are talking about? You have just proposed a pension of \$3,500 for everybody. Do you understand what is that cost? Mr. President, the point is that he would have had to do it in order to come here and make it a serious statement. I just want to understand what is the cost.

Sen. W. Mark: I am calling on the chairman of the PNM to call a general election in this country. We are putting to the population of this country that the United National Congress will establish a universal pension plan, and it will be \$3,500, and it will be indexed to the cost of living. Let us go to the people and let the people decide that. I want the people to decide that! I challenge the chairman of the PNM to get his party and his leader to call a general election and let us determine that.

Mr. President, let me pay attention to you, because they are going to eat my time. As I said, I am winding up and I would really like to ask my colleagues on the other side to simply consider some of the points that we have raised. As I said, we have no objection to the Bill that is before us. We would support the President and the retirement allowances that the Government is putting forward. All we ask of the Government is that whatever they do, they must be equitable and they must be fair.

I would like the Minister in the Ministry of Finance to tell us today before he winds up, whether it is the intention of the Government to increase the ceiling of \$2,800 that you have now put as a lock—to move the \$2,800 to maybe \$4,000—so that the ordinary people in this country—our mamas, papas, grandmothers and grandfathers—can live a decent and dignified life. Mr. President, in this country, especially our womenfolk—

Mr. President: Senator, you have two minutes left, use it wisely.

Sen. W. Mark: Mr. President, I make an appeal for the women in our country; the elderly in this country. I hope that at the end of the day we will be able to get responses from the Government that will send a message to all of our citizens that whatever measures we take in this Parliament they are comprehensive, holistic, fair and equitable.

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

Sen. Basharat Ali: Mr. President, I wish to make a short contribution to the Bill before us, the President's Emoluments Bill, Chap. 2:50. I feel a little disadvantaged, because in doing my work for this debate, I went to the *Hansard* and I realized that the Minister of Public Administration is the one who presented the Bill in the other House and, in fact, this Bill was also laid here in his name. I came with a surprise, because it says the Minister of Trade and Industry and the Minister in the Ministry of Finance. So, I am not sure what portfolio handles this particular matter; whether it is the Minister of Public Administration or the Minister of Trade and Industry and Minister in the Ministry of Finance. Having read and studied what the hon. Minister of Public Administration said in the other House, I took my cue from that in preparing for this debate.

One of the first things he said in that debate was that it is often said that the quality of a society is determined by the manner in which its elders, leaders and heroes are treated. From that he went on to develop the argument in favour of the adjustments that were to be made to the pension of our first President, Sir Ellis Clarke; to our deceased President, Mr. Noor Hassanali, and our third President, Mr. ANR Robinson.

I wholeheartedly support all the amendments that are proposed, including the one with respect to the pension which is due to the widow of President Hassanali. I did it on the basis of the arguments which were raised there. Certainly, we all feel that the holders of that high office should, in their retirement, live a life of dignity and comfort. I believe nobody has a quarrel with that one.

What has overtaken the earlier retirees from the job is the question of the value of money—the change in the value of money and the purchasing power between, for example, Sir Ellis Clarke who demitted office in 1986, and today we are talking about 2009. I have no quarrel whatsoever. In fact, I had written, “I wholeheartedly support all the amendments that are before us.”

I do believe that equity demands that we look at some other positions. I believe one of the set of people who should be considered is the judges. Mr. President, I am going to be very brief, because I would not like to be stopped in the process. The judges' salaries and pensions come under an Act which is, Chap. 6:02. They also come under the Salaries Review Commission. Salaries are adjusted, but pensions are not. There is a point of view that pensions are a condition of service, particularly, in the judges' case where there is one Act which covers both the salaries, the pensions and the widows' pensions when that is due.

Mr. President, I feel that presently there is a situation of inequity. That is all I can say. It is an inequitable situation with respect to the judges who have given long service to this country. I have a list here of those judges; both the Justices of Appeal and the puisne judges. In today's life there are three judges who are receiving less than \$3,600 a month as a pension. Can we justify that in our society?

I went back to this year's budget and I see for 2007, one of the lowest clerical positions in the public service is a Clerk Typist I, which is in Range 11, who enjoys a minimum salary of \$3,582 in the year 2007. So, when I look at that in terms of increases in 2009 which would have been the bargaining period of the PSA; in 2007, they were given a \$225 allowance which brought them up to this figure of \$3,582.

By now, at least three of our judges will be earning a pension which is less than a Clerk Typist I, which is the entry rate for a clerical officer. Is there equity in that? I do not think so.

3.15 p.m.

I speak on behalf of the Retired Judges Association. I have spoken here more than once on it and this is about the third time. The last time I spoke was in January and I quoted then an excerpt from the Chief Justice in his opening of the 2008/2009 term where he made a strong claim for relook at the terms and conditions of judges and remuneration package which will make them comfortable and which will also give the incentive for younger people who want to come into the service. Right now the judges' salary and pension is a disincentive to these people. That is one of the points I want to make.

The other point, of course, I think, we all are aware that a judge is not permitted to practise for 10 years beyond his retirement age. So, a judge retiring at 65 years cannot practise in the courts until age 75, and I hardly believe that one would want to start practising then at the bar. Really, in effect he ceases to practise his business as he knows it at age 65 when he retires.

Mr. President, as I said, I am going to be brief. I do not want to go into details, but there are a few little things that I would like to bring to the attention of this Senate. The Retired Judges Association had a survey done in the year 2004 on the impact of inflation on their pensions and that survey was done by an actuary and the document was called "The Impact of Inflation on Judges Pensions over the years 1985—2003." That report indicated that judges' pensions ranging between \$3,300 and \$11,000 would, at that time, at the end of 2003 have a current value of \$4,200 to \$14,900; but that was at the end of 2003. So, someone who was earning \$3,300 would be earning \$4,200 and \$11,000 going up to \$14,900. That was the result of this survey which I have and I have the individual figures for different judges which I will not say here.

Mr. President, what is noteworthy now is that in 2003 the retail pricing index was set at 100 and the current retail pricing index at August 2009 is 157, so in that short period everything has gone up by 57 per cent. When you look at the judges' position in terms of their pensions it becomes terrible because those numbers tell you something, that their purchasing power has been reduced by this large amount. So, I believe that the judges' salaries and pensions need to be looked at. I have tried before, the Attorney General said it was not his business, when I first approached him about three years ago, he said that was not his business, but I still do not know whose business it is.

Mr. President: Well I can tell you this; it is not the business of this debate. Now, you have made your point and I think I want you to move on to some other point, but leave that one alone.

Sen. B. Ali: Thank you, Mr. President, this is why I have been so brief on the matter, but I think I need to bring to this Senate and to the public that we do have these people whom we should be honouring and who are in this distressed position. Many of them are.

I know one judge who is quite disabled and I know his family and that happens all the time. Imagine some widows would have been getting \$400 a month. This is why I said in January of this year they made provisions for those people for their pensions to go up to the level of Senior Citizens Grant, so that shows you where they live. As I said, I would not want to go further because I would not wish to be stopped today. I would wish when the hon. Minister is winding up for him to say to whom I should speak, because the Salaries Review Commission said that although judges' pension is a condition of service, they said they cannot handle that. I do not know why because it is in the Act—the judges salaries and pensions—so it is a condition of service.

Mr. President: Senator, I have let you go on, and while it is an extremely valuable point, it really could be raised by way of a Private Members' Motion, then, we could have a full airing of the matter here.

Today is not the time or the place. Now, I have allowed a great deal of flexibility, so please go on to your next point.

Sen. B. Ali: Thank you, Mr. President. That is why I said I would be very careful in what I have said today. I would like the hon. Minister to give me some free advice when he is winding up as to what is the best way for the retired judges to handle this situation.

Thank you very much.

Sen. Dr. Sharon-ann Gopaul-McNicol: Thank you, Mr. President, for giving me the opportunity to contribute on this debate.

The debate today deals with the proposed Bill to amend the President's Emoluments Act to ensure that the pension payable to former holders of the Office of the President is increased and is reviewed every six years from the date the holder of the office ceases to be President, therefore:

“Clause 3 seeks to amend the Act by inserting after section 3, a new section 3A to provide for a review of the pension payable to former Presidents after every sixth anniversary from the date a President ceased to hold office...

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[SEN. DR. GOPAUL-MCNICOL]

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In calculating the annual pension of a widow mentioned—in the new clause 4—“the formula set out in...”—section 4(b)—“shall apply as though the person mentioned in subsection (2) is alive”.

So, in effect the widow of deceased President Noor Hassanali will benefit as was stated in clause 4.

Mr. President, while I agree that the holder of the highest office of the land, the Office of the President, ought to be treated with the requisite levels of respect and distinction and that the quality of the society is determined by the manner in which the elderly are treated and the heroes and so forth, as was stated by the Minister in the Lower House, the Minister of Public Administration, I am also clear that all citizens should retire with dignity in this country after serving our beloved country for their adult life.

There is no question that the first President of Trinidad and Tobago, Sir Ellis Clarke served this Republic with distinction for two terms from 1976—1986. His achievement is undoubtedly immense and no one can argue that. It is my understanding that the basis behind this very legislation is really to deal with this inequity in the income of former Presidents as opposed to the current President. Therefore, this legislation is indeed about righting the inequities resulting from the past legislation which dealt with the emoluments of Presidents.

It is also my understanding that this legislation is being debated to address the situation of a surviving spouse and there is no question that we support this amendment. It goes without saying that our Presidents and by extension their spouses should have a decent pension that is concomitant with the office of the President, and, this, under the current scheme it is stated that the pension payable to Sir Ellis Clarke is significantly below that of the current President and this ought to be corrected.

I agree that the difference in spending power afforded to former Heads of State under the current legislation is inequitable, but how do we remedy this situation without looking at the injustice when it comes to the poor pensioners, public servants—who are also paid significantly low salaries and by extension receive low pensions—teachers, police officers and so forth? I believe that it is the duty of this Government at this time to deal with the issue of pension in a holistic manner, a manner that would benefit, not just the three office holders, the Presidents and in this case the spouse of one of the former Presidents, but everyone. The issue is whether all retired public servants can address their needs based on their current retirement salaries, needs such as medical treatment, housing, when taking into consideration inflation.

One can recall that the Prime Minister promised in his 2003 budget, and I quote:

“We are in the process of evaluating recommendations on pension reform with a view to providing the national community with a comprehensive pension reform framework for wide consultation to enable the elderly to maintain a reasonable standard of living.”

This was the Prime Minister's position six years ago. Besides, in a document presented by the Ministry of Social Development to the international conference, 9th Global Conference on Ageing in September 2008 in Montreal, Canada, the Government indicated as a clear policy to preserve the dignity and the independence of the elderly, and I quote—therefore, I have to ask the obvious questions, are these policies and objectives being met? This is the real issue that we are dealing with today. It is not just about the President's emolument increase in his salary—

Mr. President: I beg your pardon, it is! The only point in front of us here is the question of the pension of the President, okay. Now, I have given you 15 minutes to make that point. You have made that point. I have given you the latitude, just talk about the Bill, because that is what is in front of us.

Sen. Dr. S. Gopaul-McNicol: Thank you, Mr. President. The Governor of the Central Bank in January indicated that they had conducted research on retirement planning and found that 33 per cent of persons over the age of 60 continue to work because they need additional income, so more than half of retirees do not have pensions since they found that 54 per cent—I am trying to link it in.

Mr. President: Link it in. [*Laughter*] Do not try, link it in and link it in immediately or move on to some other point.

Sen. Dr. S. Gopaul-McNicol: While I fully understand the plight of the President in terms of the need to increase the emoluments of presidents, I think this country ought to recognize that most of our citizens who retire, who are public servants, 80 per cent of whom make less than \$3,000 a month—

[*Mr. President stands*]

I think we need to take that into consideration, Mr. President.

Mr. President: Senator, I quite agree with you. As I said to Sen. Mark, I said to Sen. Ali; that is a very valid point. That, however, is not before us today. Now, I have actually given you 21 minutes to develop that point and you have done so.

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Now, you have done enough of that and we are not going to hear any more of that from you this afternoon. We are “gonna” hear something to do with the Bill and the Bill has to deal with the pension of the Presidents.

Sen. Dr. S. Gopaul-McNicol: Mr. President, I find it very difficult to not take into consideration the situation of citizens of this country when I am dealing with this particular debate, so if you could just—

Mr. President: Senator, you are not going to debate my ruling! You are not going to comment on it! Now, you may think that it has some relevance to the issue and it may have. However, the issue in front of us is the question of the pensions of the Presidents and that is what you are going to talk about. As I suggested to Sen. Ali, if you want to talk about pensions, generally, you have that option of filing a Private Members' Motion dealing with it on any given afternoon on a Motion on the Adjournment and you can deal with it as a special item then. I have given you the flexibility to at least make your point and you have done so, now I am asking you, for the third time, to move on. This is my third and last time!

Sen. Dr. S. Gopaul-McNicol: Okay, Mr. President. I think I would just go into the conclusion at this point, because, clearly what I was putting forward you have made it very clear that you would like me to move on.

So, the bottom line for me as I draw to my conclusion in my final two minutes at this point, is that we need a comprehensive pension plan, because if we continue to do this in an ad hoc basis it would not benefit everyone.

3.30 p.m.

Mr. President, personally, I do not feel that this Government is serious about that, and that has been the thrust upon which I believe this entire argument must be looked at. I think we need to put the poor people first in this country, which we have not done. I think we need to look at the salaries of persons who make less than \$2,000 a month, like URP, CEPEP and so on, and at this time, I believe that the practices and policies of this administration certainly do not. I certainly support the amendment to increase the emolument of Presidents, but I hope that this Government understands the seriousness of the plight of citizens of this country.

Thank you. [*Desk thumping*]

Sen. Corinne Baptiste-Mc Knight: I thank you, Mr. President, for allowing me the opportunity to make a very few comments on this Bill. It is a piece of legislation that I have absolutely no reservations in supporting. I must say that

mindful of your ruling, I will just say that I am very sensitive to many of the points that have been raised by former speakers.

With respect to the problem that seems to have been mentioned about the equity involved in this particular bit of legislation, I have a difficulty understanding what the problem is, because I am of the impression that if one compares oranges with oranges and apples with apples, one does not compare Presidents with CEPEP workers and old age pensioners, so that I would have thought that equity is reflected in this Bill because the former Presidents are being accorded equal status with the sitting President. Hence, I have no problem with this, because if we say that we are recognizing the work of these gentlemen who have served us with honour, can we think that a former President needs to live at a level lower than the current President? If we try to make this sort of comparison, the least we can do is to raise the emolument to that level.

I understand that they would have proper medical treatment, which is something that gobbles money once you have passed a certain age. So I really am a little concerned that this debate is going on this long. Frankly, I thought we would not even be here for tea time. [*Desk thumping*]

Sen. Manning: I think you even—[*Inaudible*]

Sen. C. Baptiste-Mc Knight: Mr. President, with that, I say I support this wholeheartedly and look forward to the time when legislation is brought to do similar justice to other of our icons who have served us with very, very good heart and at great sacrifice to themselves.

I thank you. [*Desk thumping*]

Sen. Mohammed Faisal Rahman: Thank you very much, Sir. I will be dishonest if I did not admit to some trepidation [*Laughter*] upon my rising, but I shall attempt to be as circumspect as possible and to be very guarded in my words.

This Bill before us is a very delicate one, I grant you that. It is a very delicate one. Nobody likes to have his salary discussed in public, and in a sense, this is a very degrading experience for our past Presidents, all the more reason that such a matter should be handled by the Salaries Review Commission. I believe that— notwithstanding the explanation given by the Minister of Finance—when the Constitution says that a sitting President has to have his salary and terms of employment handled by the Salaries Review Commission, that includes his allowances, his pensions and all the other aspects of his income, current and future that relate to the office. Therefore, it follows logically in my mind, that if

the present President's pension is determined by the Salaries Review Commission, similarly for past Presidents, and I cannot see why this degrading debate should be taking place today, in the full public glare.

I certainly do not want to stand here and deny our heroes—well, I am using the term "heroes"—and our elders the due and justice that is due to them. So I would say this, that I would certainly want to support anything that goes to make life easier and more comfortable for our past Presidents, because the office that they filled was certainly the most exalted in the land. But you know, Sir, one of the watchwords of this Government is equity, and on the basis of equity, certain pieces of legislation are being brought forward which are far from equitable. I will not go into discussions of those now because that will not meet with your approval, but the point I am trying to make here is that when we use equity as the platform for justifying an exercise such as this today, we have to regard the aspects of equity that enter into the picture that bring us to consider the emoluments that are being proposed for our retired Presidents.

Our retired Presidents in the main have served for five and 10 years. I do not know if any served for more than that. Additionally, having left—and I am on the point of equity here. When we have citizens of this country becoming eligible for pensions after 33½ years of public service—[*Interruption*]

Sen. Enill: That was—[*Inaudible*]

Sen. M. F. Rahman: Beg your pardon, Sir.

Sen. Enill: [*Inaudible*]

Sen. M. F. Rahman: I was out of the room, Sir. I was out of the honourable Senate and you must permit me this. I am saying that to be entitled to a pension, a normal civil servant, no matter what rank he reaches, must serve for 33½ years. How equitable is it that a man has served for 33½ years, retired 15 years ago and continues to receive a pension of \$2,700 per month because that is the unfortunate figure at which he was entitled to receive pension, and there has never been any review of pensions of that sort?

So we are attempting to implement a six-year review of the pension of the retired Presidents, if we are going to that—and I support that, because as the good hon. Minister said, the inevitable increase in living cost affects the past Presidents. But equitably, Sir, so do they affect all retirees who have now been out to pasture, and who, if they have been able to survive for 15 and 20 years since retirement are now afflicted by the curse of age. How can we be talking

about equity when we are proposing \$49,500 a month for our past Presidents, and closing our eyes to \$2,700 a month for men who worked for 33 $\frac{1}{3}$ years and are out to pasture? They have to wait almost two years to get the pension that we are proposing for the past Presidents in one month.

I am saying, give the President his pension of \$49,500. I do not have a problem with that. But if we are looking at equity in the society, how can we continue to disregard the erosion of income, the depreciation in money, the devaluations that have taken place, the falling US dollar to which we are linked and every other thing that erodes the value of the dollar that the retired civil servants have been getting for the last 15 years? So, I say, Sir, yes, I support our treating our past Presidents excellently, but that does not mean we have to close our eyes to the disparities, anomalies and the contradictions that are inherent in the system that we have. I say that the Government should move forthwith, to place reviews of the retired Presidents in the purview of the Salaries Review Commission henceforth, as I believe it properly belongs according to the Constitution.

Now, we look to our elders, our statesmen and our heroes for example. I would like to suggest that the question of, not austerity and frugality, but belt tightening to which we have all been invited as a nation to participate in, is something that our current and retired Presidents should give example to our nation. I do not know whether the Government has come by this review of the pension for the President on its own accord or whether representation has been made to the Government, but I say this, and again we do not know—as Sen. Mark pointed out—what is the present pension of the retired Presidents. But as Sen. Mark very clearly pointed out, we have a ceiling on the Senior Citizens Grant, so if you are wanting to be equitable, either put a ceiling on the income of the retired Presidents, especially those who have other means of income, four and five other streams of income, or be reasonable and increase the ceiling for the rest of the citizens.

Mr. President, equity runs through the very core of this issue. Equity is the matter that this Government is seeking to establish. We want to be just and equitable with our Presidents, but equity cannot stay at the upper strata only of our society. We have to be equitable throughout the cross section of the community.

It is very unfortunate too, that the Government is seeking at this stage, when we are faced with all sorts of economic hardships and belt tightening, that we are seeking outside of the Salaries Review Commission to—and I am not saying I am

against it, but it comes at an awkward time. We are trying to increase in a very, in what I would call, more than generous, in a lavish way, the pension of our past Presidents who in certain instances may be enjoying unlimited ceilings of income, when the Government is in this particular position of finding very great difficulty in balancing our budget; we are into deficit spending. And while the hon. Minister of Energy and Energy Industries throws out the challenge, how do we propose to justify; how will we fund increased pensions? We all know that is a very interesting political question. It has been done all the time.

Mr. President, what I am faced with here today, while I seriously want to support this Bill, we have 200,000 citizens who are living on an income of less than US \$2 per day, how do we tell the people?

3.45 p.m.

Here we are in a Chamber, not paying regard to those persons who are dispossessed and in a state of penury and destitution. How do we tell them that we are going to increase the pension of our past President to \$49,500 a month? In the eyes of those persons who are living under US \$2 a day, that is an obscene figure, and this demands that the Government pays attention to the rest of the population in terms of incomes and pensions and grants. It is extremely important; it is a matter of absolute urgency.

There are other areas that questions are going to be raised. How could you be prepared absolutely to understand the circumstance of our past President and you are not prepared to understand the circumstances of current persons who are in this difficulty? The incumbent President was approached by judges pleading their own case. There is a question of inequity. Recently, a group of judges made representation, and with good cause, Sir, on the question of equity. *[Interruption]*

Mr. President: That was the point that you started on and that is the point you have managed to land on now, after some 12 minutes. We heard that point, but that is really not the matter before us. Try to find something else that is relevant directly to this Bill.

Sen. M. F. Rahman: Yes, Sir.

Those are the few points I wanted to make in general. I would like to go to the Bill itself and discuss one or two small issues that are giving me some problems.

With regard to the Bill itself, Sir, clause 3 says:

"Every person mentioned in section 3(1) is eligible on every sixth anniversary of the date he ceased to be President for a revised pension..."

I would like to make the point, Sir, that this is a clause which should apply across the board to all pensionable positions in Trinidad and Tobago.

We go now to what is called 3A(2), and I have a question here:

"A person who has exercised the option under section 3(2) is not eligible to exercise an option in respect of a revised pension under subsection (1)."

If I understand it correctly, if the person took the option of a gratuity then he is shut out from a revised pension all together. I find that very strange. You are going to suffer from your total pension package, because you took a gratuity? Why could we not have a pro rata increase on the pensionable amount, after taking account for the 25 per cent or whatever you took? To me this is totally anomalous; it is absolutely unreasonable.

You see, Sir, if when the President was retiring he took the lump sum and invested it unwisely—let us suppose he invested it in Clico or some other failed enterprise or let us suppose he put it in the HCU, worse again, [*Interruption*—he would not put it there if he is smart—but let us say that he put it in the HCU; he took 25 per cent of his eligible amount as a gratuity and was seeking to augment his income. Because he was forward thinking, even the 75 per cent of his 10-year-old pension, which is ridiculously small in today's value—[*Interruption*] but today is what we are addressing. We are addressing the pensions today. [*Interruption*]

Sen. Seetahal SC: [*Inaudible*]

Sen. M. F. Rahman: Let me make the point, sister. I should be addressing the Chair. I cannot help but hear the comments as we go along. I have a human failing, but with my hearing impaired as it might be, I still hear what is going on.

I want to make this point very quickly. I am making a case to the Government that if a President opted for his gratuity and a reduced pension, that the reduced pension be increased pro rata, as at this date, so he does not suffer from that decision, which might not have been as wise in hindsight as he thought it might have been at the time.

Alternatively, Sir, I am suggesting that he be permitted to repay the gratuity advance and receive his full revised pension. Whichever way you cut it, it is unjust and unfair to cause a President who exercised an option given to him in law to suffer, and see everyone else getting the benefit of an enhanced pension and he having to make do with his very small pension, which at that time appeared to be good, but by today's value of our money is ridiculously small. I would like to draw the attention of the Government to new section 3A(3)

Mr. President, 3A(3) says:

"A person mentioned in subsection (1) who has ceased to hold office for more than six years...is entitled to the revised pension..."

There is a bit of an anomaly here. It does not say whether this excludes or includes those who took the gratuity, so there is a bit of confusion in my mind as to what this actually means.

There is another part where the term "irrevocable nature of the option" enters into the picture. I think that needs to be addressed. Having regard to the equity you are seeking to establish and the generosity you are seeking to give to our elders, retired heroes and statespersons, do not cause them to be disadvantaged by the earlier unreasonable restrictions upon the options that were given to them. I say this very seriously, because it is unjust and unfair to diminish the entitlement. If your intention is to be generous to your elders and your state's people, it is unjust to cause them to suffer by this means.

I am also not very sure about subsection (3) which says:

"In calculating the annual pension of a widow mentioned in subsection (2), the formula set out in section 3A(1) shall apply as though..."

I am not certain that I understand this. All I wanted to make sure of is that the widow of a past President does not get a pittance today, and that she gets what might be called a decent pension as a result of having served as First Lady of this country, for whatever years she did.

Hon. Senator: She gets whatever is due to the President.

Sen. M. F. Rahman: This is what this means? I am reassured; I am glad about that.

Just to wind up, because we do not want to be straying all over the place today. *[Laughter]* Incurring your ire is not always a pleasant thing.

I would want to repeat that the Government please try to address equity in a believable sense.

Thank you, Sir.

Sen. Gail Merhair: Mr. President, thank you for giving me the opportunity to make a contribution to this Bill.

I rise in support of this legislation. I have to wonder out loud why in Trinidad and Tobago sometimes persons tend to stay away from holding high office. By some of the comments made today, I now understand why.

We should not be an ungrateful nation and we should not be an ungrateful people. As a matter of fact, I tend to concur with what my hon. colleague, Sen. Baptiste-Mc Knight said. She indicated that she did not understand what the debate was going to be all about. In reflection, the current status of these former Presidents needed review. My question is: Why did it take so long? As a grateful nation we need to show an appreciation for those individuals who have served this country with honour and distinction. I think most students would have known what these honourable gentlemen would have done for Trinidad and Tobago, so I will not get into that.

However, I know that from time to time we like to talk about looking at 2020 and we always like to draw analogies from other countries. Perhaps I need to share some information with this honourable Senate.

The US Congress in 1958 passed the Former Presidents Act (FPA). That Act provides former Presidents with an annual sum of US \$191,300. It also affords former Presidents travel funds, mailing privileges, staff, office space and an appropriately furnished and equipped area for them to perform their functions, as well as Secret Service protection.

I think what is being laid on the table is not inconsiderate. This Bill should, in fact, be passed. It is long overdue. As hon. Members of this Senate, we need to lead by example and show Trinidad and Tobago that we can, in fact, honour the persons who have served us with distinction.

I thank you.

Sen. Lyndira Oudit: Mr. President, I would support any piece of legislation that seeks to bring equity to office holders in this land, and certainly those of the ilk of the former Presidents of this country. However, I think I would be failing in my duty if I supported what seemed to me to be an attempt at undermining a duly constituted service: the Salaries Review Commission.

The reason I say so is because when I look at the parent Act of this one, section 2 speaks about the emoluments of the President of the Republic. There is a little asterisk at the side of that section 2. When you read at the bottom, that asterisk is referring to:

"See the latest report of the Salaries Review Commission."

It means that the parent Act was not done in isolation. It was done in conjunction with and in collaboration with and in consultation with the Salaries Review Commission; therefore, what came as legislation really sought to cement the

recommendations of the SRC. What is here today hardly seems the calibre of that previous piece of legislation, where we saw consultation taking place.

As read by the hon. Neil Parsanlal, Minister of Information, he said that Cabinet had accepted the Eighty Ninth Report of the Salaries Review Commission; so Cabinet has accepted it. I would like to suggest that what we have here is really unconstitutional. Section 141 of the Constitution is very, very clear. I think many people do not understand that particular point which talks about the Salaries Review Commission to review:

"...the salaries and other conditions of service of the President."

It does not say any other body; it does not authorize any other body.

It goes further:

"The report of the Salaries Review Commission..."—will then be laid—"as soon as possible thereafter, on the table of each House."

Seeing that this present administration did not wish to bring the report of the SRC, I saw it only fit to get a copy of the Eighty Ninth Report to see what were some of the recommendations, so right here you would see why this is not only unconstitutional, but it is wrong; it is irrelevant; it is ill timed and it is almost irrelevant. [*Interruption*]

Sen. Enill: Mr. President, I just wish to indicate that the statement of the report not being laid is not correct. It was, in fact, debated in the other place and the Government did not accept the increases that were suggested in the report. That was done. It is the 89th Report and it is on the parliamentary records. I just wanted to clear that up.

4.00 p.m.

Sen. L. Oudit: Thank you very much, Minister Enill, but I am just reading the statement by hon. Neil Parsanlal, Minister of Information, on the 89th Report of the Salaries Review Commission to the House of Representatives on Friday, July 17, 2009. This was in your website news.gov.tt. No, no, this is the contribution of the Minister on that report. I am quoting here:

"...the SRC has proposed and Cabinet has accepted that there will be no salary increases...for holders of offices..."

And it goes on to talk about the report. So I would bear what the Minister says, also in terms of the fact that that is a document that was laid; it is a public document, so I am simply going to refer to it.

We really need to level this playing field and I am referring to an article, in fact—not an article. I am quoting from the *Hansard* here, of July 03, 2009, the hon. Swaratsingh in his President's Emoluments Bill when it was laid, says:

"...the Bill proposes that should a President cease to hold office for more than six years before April 01, 2008 that President is entitled to a revised pension."

He goes on to say:

"Former Presidents and surviving spouses who would benefit from the proposed legislation are: Sir Ellis Clarke; surviving spouse of President Noor Hassanali and President Arthur N.R. Robinson."

Those are three individuals, and the Minister made it very clear that this legislation is only about these three individuals, because to those three individuals this piece of legislation is relevant. It is needed and it is relevant for those three nationals of Trinidad and Tobago.

In fact, the Salaries Review Commission Report laid in Parliament on Friday, July 17, a specific section under the President of the Republic. We have here a clause that is saying—clause 4—where we are now going to look at the widow and to bring it to the same level as that of the former President. The hon. Minister indicated that this was not accepted, or these were the recommendations, but to the extent that they were he did not indicate, so I will look at some of the recommendations:

"Salary

\$49,500 per month.

Duty allowance

\$7,500 per month.

A fleet of official motor vehicles fully maintained by the State and manned by a complement of chauffeurs."

This list goes on and I am very, very happy that the current President or whichever President, is able to benefit from the largesse of the State. I believe, as every other person has said here, it is due to them. They are, as far as we are concerned, the head of State. Each President is, according to our Constitution, the head of State. There is no other higher in the land so that dignity should be afforded.

Unfortunately, we have at times—when we have funerals; when someone dies you have a eulogy. I would like to liken this particular piece of legislation to a eulogy, because from 1976, in glowing terms, we speak about Sir Ellis Clarke and all the work that he did. From 1976 we speak about three Presidents and at no

time, from 1976 come all the way up, was there any other attempt, besides the parent Act—I do not know the date of this; '76. So from since then, under the watch of the PNM, no administration or no Minister felt it necessary to highlight—and, in fact, here, the hon. Swaratsingh made mention—and he says here:

"...the principles of natural justice dictate that this Bill be reviewed at this time to remedy the passive injustice..."

Mr. President: Under the Standing Orders, there is no such person as the hon. Swaratsingh. He has a ministerial title to which you must refer. That person must be referred to by his official office.

Sen. L. Oudit: I will be so guided. The Minister of Public Administration, the hon. Kennedy Swaratsingh. I go back to the quote. He says:

"...the principles of natural justice dictate that this Bill (here today) be reviewed at this time to remedy the passive justice suffered silently by our former Presidents and their spouses for far too long."

We on this side here do not wish to see passive injustice for any man, woman or child, be they President, head of State, Prime Minister, Minister, parliamentarian. It does not matter. Somebody made mention that we should not liken the President to that of any other pensioner. However, at this stage, we are not just head of State or pensioner; we are nationals. Each of us is a citizen and each of us, as far as my Constitution is concerned—and I cannot see that it has been changed—each of us is entitled to equity, equality and fair play under the laws of this land. I do not believe that we have to reach the highest point in order to benefit from what the State has to offer. That is my position on that.

Clause 3A looks at the renewal date of every six years. And when we look at clause 3A, I refer to the recommendation of the very Salaries Review Commission to this very House and it says at No. 25 of that report:

"In 2003 Cabinet agreed to a regular three-year schedule for the review of remuneration arrangements for offices within our purview...we recommend, should there be a reversal of the current downward trend in the economic environment, that consideration be given for an earlier review of the remuneration arrangements for the offices within our purview."

Why did we reach this point? Why did we reach a pitiful four-clause amendment Bill to come before this House to underutilize the resources of the State, to bring all these Senators here—four clauses—when you have a duly appointed Salaries Review Commission? You could have given those same four recommendations—

four measly recommendations—to the Salaries Review Commission and it, the duly constituted body, would have been able to incorporate them or not, should it choose to.

Instead, we have an entire Senate day, with all this number of Senators—*[Interruption]*—you are also being paid, hon. Senator, Dr. Lenny Saith; you are also being paid. You are being paid by the State.

So we have come here today, and this is an underutilization—whether you have it in economics; whether you have it in sociology, in geography, an underutilization of a resource. We are a resource; we as human resources, come before the political resources and we are using State resources to come here today, all when those four recommendations should have gone to the Salaries Review Commission and not have us come here today to take four clauses and find—like pulling a camel through a little needle, to decide how we are going to approach a debate.

I cannot believe that each of the Senators who stood here today are so uneducated or are so irrelevant or are so not aware of what is happening in this country that we cannot take the debate to a higher level. But what we have been given is four clauses. Nobody wants to see any President not being given that dignity; we all agree, and I am sure the Salaries Review Commission, had it been given the recommendation, would have looked at it, and in the interest of the country, would have been able to make its appropriate recommendation and save here—what we should have then been debating was probably the 89th Report that went to the other place. We probably should have been debating the entire report rather than to come here and look at an amendment to a parent Act.

I would like to not stay very long; I feel this is a bit disheartening, because when I see that an entire piece of legislation seeks to assist three nationals of this country; when I see what is the current standard of living; when I see what is the current rate and condition and terms of service and remuneration of the President as well as other Members in the Parliament and I also hear that we cannot discuss other pensioners, it saddens me. It saddens me because we are really here for the people's business.

Mr. President: Senator, the little barb in your last statement over my rulings over previous Senators, is not lost on me or I think any other Members of the Senate. I am going to ask you very nicely not to do that, because you know that I have given every Senator the greatest latitude to make all sorts of statements that have nothing to do with this Bill, as I have given you. You have gone to the

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extraordinary length to belabour the fact that this measure does not need to come here at all, and if that is the case, it follows logically, why are we talking about it at all. I am sitting here wondering why you were going on talking about something that you say does not need to be here at all. So I want you to be very, very circumspect about how you treat with comments from the Chair and to deal with matters that are directly before this Senate, please.

Sen. L. Oudit: Mr. President, in no way was I looking to debate or to argue with your rulings. I was merely opining my understanding of what my role is here, not only today. So with all due respect, Sir, I meant no offence in my comments to you, neither to any other Members in this Senate. But I really feel, when I say that we ought not to have been here, I simply referred to the fact that we have a Commission that should have really seen to these four recommendations and that duly constituted body would have been in a better position, rather than us coming to debate this particular legislation. I am sure there are lots of legislation that the Government could have brought instead.

In closing, I would like to simply refer to the inaugural speech and just to quote one piece when Professor Maxwell Richards was given his term of office; when he was inaugurated. I will close with this. He says here:

"Excellencies and distinguished guests, we face mounting material expectations, roused by the media, by close proximity to the conspicuous affluence of the north and if these were not enough, unemployment and under-employment are hanging about in abandoned fields and crowded streets trying to decide what to do. How to respond to these new pressures threatening us as they do, to tear the whole fabric of society apart, must be one of the gravest concerns of any responsible government. I can do no more at this time than to commit this office to our Constitution where (he says here) the operations of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all."

With that, I thank you. [*Desk thumping*]

4.15 p.m.

Sen. Dana Seetahal SC: Mr. President, it was not my intention to speak initially, but a couple of matters arose during the debate on which I wish to comment. The first matter has to do with the question of this Bill and the constitutional provisions at section 141. It is provided that:

"The Salaries Review Commission"—which is established under section 140 of the Constitution—"shall from time to time with the approval of the President review the salaries and other conditions of service of the President, the holders of offices referred to in section 136..."

In subsection (2) it goes on:

"The report of the Salaries Review Commission concerning any review of salaries or other conditions of service, or both, shall be submitted to the President who shall forward a copy thereof to the Prime Minister for presentation to the Cabinet and for laying, as soon as possible thereafter, on the table of each House."

The point is that there is no onus placed on the Government to accept the Report of the Salaries Review Commission. That Commission could make representations in its report that salaries, terms and conditions should be anything and for the Government is no legal obligation, whereas under the President's Emoluments Act, which was passed prior to this section which created the Salaries Review Commission in 1979 and the President's Emoluments Act was passed in 1976, there is an obligation on the government, on anyone, and in this case it is the Government because it is law, to do as that Act says. Sections 140 to 141 of the Constitution never repealed the President's Emoluments Act so it remains law. When people talk about the breach of the Constitution it is not so, because this Act places an onus on the State to follow it. Now, assuming that the amendment which is being proposed, is passed, there would be a further obligation which is greater than the recommendations of the Salaries Review Commission. This obligation is that every sixth year after a President leaves office his pension would be at the same level as the salary of the then incumbent. No such recommendation can come from the Salaries Review Commission in the first place. Even if it were to come it would have to be couched in terms of pension for current office holders. The President's Emoluments Act deals with every person who has ceased after his election as President to hold office. It is important to note that.

The second point that I wish to make is in respect of something raised by Sen. Rahman. That is his issue or concern that persons who exercise an option under section 3(2) of the President's Emoluments Act would be deprived of this increase. That is not so because subsection (2) says a person to whom a pension is payable, in lieu of the full pension can have three-quarters of the pension together with a gratuity, equal to twelve and a half times the amount of the annual reduction in the pension. You can have a bit of a gratuity plus three-quarters. The pension in that section would be the same as the new pension proposed. You would be entitled to that. That covers that.

In relation to the question of widows, I think I heard it mentioned that it would be the same pension as the President. Under the original legislation which still remains the legislation which is section 5, the widow would enjoy two-thirds of the annual pension to which the person is entitled. The widow is consistent with other legislation dealing with widows; widows get two-thirds. The proposed amendment ups the two-thirds of whatever sum. If a widow is getting two-thirds of the pension that the President got six years ago, now she would get two-thirds of the increase.

As my colleague pointed out to me, "widow" includes "widower." Usually, you would find that the male includes the female for some reason, but it should be the other way because "she" includes "he." This is one of the few pieces of legislation which is consistent with that. In this case female includes male. For those of you who might be wondering if we should have, as we might, a female President soon enough, should she die her spouse would be covered.

Thank you very much.

Sen. Dr. Adesh Nanan: Mr. President, I rise to make my contribution on the President's Emoluments (Amdt.) Bill. We have before the Senate a Bill that would enhance the benefits of members of high office. Yes, it is late in coming but we have to ask several questions especially of the Government. We have this Bill before the Senate this afternoon and the Government is purporting that it cares for members of high office, but when we look at the state of the President's House in terms of the dilapidated condition of that building, and next door you have the Prime Minister's Office and Diplomatic Centre built for over \$255 million and counting, where is the priority? Is it because we are going to move to an executive presidency that that would be the new residence of the President and nobody cares about the President's House? That is in the context of this legislation before the Senate. That is why that question has to be raised.

Clause 3 of the Bill has to go in sequence because when you are dealing with clause 3 it is a new clause. Section 3(1) of the President's Emoluments Act, Chap. 2:50 states:

"Every person who having been elected President ceases at any time after the election to be President, other than on his removal from office under section 35(a) to (c) of the Constitution, shall be paid an annual pension equivalent to the full amount of the salary received by him at the date he ceased to be President."

As rightly said, this piece of legislation is bringing the pension of the formers up to par with the current President. Surreptitiously, what we are doing here is a kind of indexation of pensions. How could the comparison be made to this particular point of bringing the pensions that they were getting before up to par with the pension of the current President in six years time? When I listened to this debate in terms of how it was going, it was in the right direction. It was going in such a way that the new salary that they were being compared with, that is the salary of the current President, had to be made in the atmosphere of increasing the consumer pricing index going up, in terms of the Government's failure to manage that sector because of the inflation rate as was mentioned in the debate.

It showed that because of the Government's mismanagement of the economy we have to be in this position, where not only our former Presidents but also our citizens as a whole especially the retirees both from the public service and other companies are suffering under the situation of inflation and high food prices. That is why the debate could have gone that way. We are dealing with the same Presidents for whom this legislation is being put forward and who face the same supermarkets that the ordinary citizens face. We are hearing the statement that prices are going down. I recall a cartoon where Minister Peter Taylor, I think, was on Mars or some other planet making that statement. I feel that the Minister of Agriculture, Land and Marine Resources should also be on that planet.

Sen. Gronlund-Nunez: Mr. President, 35(1).

Sen. Dr. A. Nanan: What is that?

Mr. President: Please go ahead.

Sen. Dr. A. Nanan: I make that comparison based on the indexation of pension. The Government needs to come—I know that this is not a pension debate and indexation of pension—and say if there was any other proposal before them. Were you going to take that salary that you had before and match it to this current President's status? Was any other proposal being considered?

When the matter was raised with health and Sen. Mark made reference to medical benefits, the Minister of Health made an intervention about benefits to which Members of Parliament are entitled that was not correct. I would not move a matter of privilege on that Minister at this time. As a Member of the former House Committee in the House of Representatives, we were making representation on behalf of the Members of Parliament for medical benefits and even here, it is before the Senate Committee dealing with benefits for Senators. The Minister in the Office of the Prime Minister knows that. The Minister of

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Energy and Energy Industries who is the Chairman of the Senate Committee is aware of that. For that Minister of Health to make that statement that Sen. Mark was inaccurate, is not correct. I want to put that on the record. That particular position was made. Do you know why that was made? It was made because representation at that same Salaries Review Committee considered Senators—

Mr. President: Before this gets into what I said, you said, she said, kind of situation, that is not relevant.

Sen. Dr. A. Nanan: I will not make the comparison between what he said and she said. I will say that Senators are entitled to that medical benefit. Senators should be considered in that same piece of legislation that Sen. Mark talked about in terms of pension for Senators. It is that position that was put before the Salaries Review Commission and they rejected it because the position was that Senators are part-time and they have another source of income. When we look at the kind of work that Senators are asked and called upon to do in this Parliament, that has to be reconsidered and not six years from now. That has to be considered very early.

As I go back to section 3(2) of the President's Emoluments Act:

“A person to whom a pension is payable under this Act shall, where he has exercised his option as herein provided, but not otherwise, be paid in lieu of the pension, pension at the rate of three-fourths of the pension, together with a gratuity equal to twelve and a half times the amount of the annual reduction so made in the pension.”

Mr. President: Senator, it is 4.30 p.m. We will stop and take the tea break at this point. The sitting is now suspended for the tea break until 5 o'clock.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

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

Sen. Dr. A. Nanan: Mr. Vice-President, when we took the break, I was looking at section 3(2) of the parent Act and it is interesting that subsection (3) makes reference to the Cabinet. I will read it:

“The option referred to in subsection (2)” —which was three-fourths of the pension—“shall be exercisable, and where it has been exercised, may be revoked, not later than the day immediately preceding the date of such person ceasing to be President...”

This is interesting.

“...the Cabinet may, where it appears equitable to do so, allow him to exercise the option or revoke an option previously exercised at any time between that date and the actual date of the first payment of any pension under this Act.”

Now the actual day of the first payment of any pension under this Act; the first payment for pension under this Act depends on records. The records must be up-to-date with respect to the President. It brings me to a question with respect to the public service. We have many examples of situations in terms of people retiring and having to wait six months, three and five years to get their pension. The point is that you need to have a system in place to ensure that these retirees—we cannot have that; you need to have bridging finance. If you cannot afford to have the records on time, have some bridging finance for these retirees.

Bridging finance will be necessary because we know that a number of these retirees depend on that pension and we have heard of the ceiling at \$2,800 per pensioner. What is interesting is that some report came out that that was enough to survive on, which is totally erroneous.

Mr. Vice-President: The point was made by previous Senators. Please get back to the Bill and discuss the Bill.

Sen. Dr. A. Nanan: Let me read the clause again.

Mr. Vice-President: Move on. You are reading the clause again? You read it already.

Sen. Dr. A. Nanan: The point was with respect to the Cabinet and the option to allow the President, if he went ahead and took the option under 3(2), which was three-fourths of the pension and the gratuity, the Cabinet could allow him to change his mind. The reference I was making has to do with the actual time and record-keeping. That point was not made here in the debate.

Mr. Vice-President: Just as an explanation to what you were doing, you made the point and went on to something else. My ruling was on what you went on to. You started to talk about a ceiling of \$2,800. That is not the point you were making. Continue.

Sen. Dr. A. Nanan: That was a quick reference. I find that a little precocious of the Vice-President.

It goes on, under the same section 3(4):

“Subject to subsection (3), where such person has exercised the option referred to in subsection (2), his decision shall be irrevocable so far as concerns any pension paid to him under the Act.”

This is actually saying that if he had gone ahead and taken this particular allocation, which is the three-fourths—

Mr. Vice-President: Sen. Dr. Gopaul-McNicol, you are disturbing me. I cannot hear what Sen. Dr. Nanan is saying.

Sen. Dr. Gopaul-McNicol: I am speaking.

Mr. Vice-President: It is not a matter of your speaking. If you want to speak to the Senator, take him outside and ask him for an audience. Your colleague should be heard in silence. I would like to hear him.

Sen. Dr. A. Nanan: Thank you, Mr. Vice-President. I was going to ask for injury time.

If you look at the clauses and how they relate to this particular amendment, if the President took the option, hypothetically speaking—I do not know what former President took the option—according to the Act three-fourths of the pension with the gratuity, the President could go to the Cabinet, if he had not received the first payment, and say that he wanted the pension alone, not the part payment.

However, the other part of this section says that once the payment is made—the Minister can correct me if I am wrong—he does not have that option anymore. That needs to be clarified. This is saying that once you pay the pension to the President, he cannot ask to revert. That is how this operates.

If we go on to subsection (5):

“Where a person who has not exercised the option dies after he has ceased to be President but before a pension has been paid under this Act, there should be granted to his legal personal representatives a gratuity and a reduced pension as provided for in subsection (2)...”

This subsection now kicks in if he has not exercised the option and dies in office. What is happening here with respect to the President and his emoluments is that if he dies in office and does not exercise an option, it goes automatically to the part payment of pension and gratuity. That is another area that needs to be sorted out.

That is why I say that this new clause should have been a little more comprehensive in terms of the amendment to this President's Emoluments Act. There are certain areas that can be amended for the benefit of the Presidents.

What is also interesting and we have to ask some questions, under section 2 of the parent Act—I would not go into what the emoluments are:

“Where the office of President is vacant or the holder of the office is absent from Trinidad and Tobago or is for any reason unable to perform the duties of the office, the person performing the functions of the President shall be paid the same salary and duty allowance as a President.”

This Act is with respect to someone acting in the position, but I do not know if this office is something sanctimonious with respect to how they operate at the higher level. I am aware that when Ministers act for other Ministers, they are not paid an acting allowance. It is different with respect to how the Government operates.

What is also interesting is that it goes on to clarify that the individual pension will not be considered under that new salary being paid to the person who acts as President at that time; it has to be his current salary. If he is getting the President's salary when they are calculating his pension, that will not be the new salary for the pension. It will have to be his current salary. That is how the Act operates.

We go on to the other part because this can happen. That is section 4(1).

“Where the President dies while he is holding office—

Sen. Dr. Saith: Mr. Vice-President, on a point of order. The Senator is spending a lot of time debating an Act on the books that has no relevance to the Bill before us and I question the relevance.

Mr. Vice-President: I was about to get up to ask what is the relevance of all you have been saying. Unless you can connect this somewhere, there is no relevance. Will you point out the relevance or move on?

Sen. Dr. A. Nanan: I will point out the relevance, but I am sorry that the Minister in the Office of the Prime Minister cannot follow the debate properly.

Mr. Vice-President: None of us can.

Sen. Dr. A. Nanan: Let me lead you on. As I say from time to time, there is an inextricable link between what I am saying and what I will continue to say with respect to the Bill and the parent Act. [*Interruption*] I was just showing how the Act operates and I am coming down to the new clause 3A(3). Before I do so, I have to come from clause 3A(1), which is the actual amendment before us.

What makes this interesting is new clause 3A, that is the catch of this particular amendment. They did not see that. It is an amendment that adds to this particular clause after section 3, so you have to deal with all under 3 and then go to the new clause, which is the amendment. That is why I go in a chronological sequence of events. I am on section 4:

“Where the President dies while he is holding office and does not leave a widow, a gratuity of an amount equivalent to twelve and a half times one-quarter of the highest salary paid to him at any time as President shall be paid to his legal personal representatives on account of the deceased person’s estate.”

I am very interested and I have to ask the Government, with respect to section 5:

“Where a person dies while holding the office of President and he leaves a widow, the widow shall be paid:

- (a) a gratuity...; and
- (b) a pension...”

5.15 p.m.

It goes on to say:

“Where a person dies having retired from the Office of President, there shall be granted to his widow an annual pension equivalent to two-thirds of the annual pension to which that person was entitled.”

This is where we come to the new clause 3A(3).

“A person referred to in subsection (1) who has ceased to hold office for more than six years before the 1st April, 2008, is entitled to the revised pension referred to in subsection (1) as of 1st April, 2008.”

The question that has to be asked is when does this come into effect? When would the—[*Interruption*] Minister in the Ministry of Finance, I do not know if you want to clarify this. That question has to be asked: When will this come into effect? Minister, do you want to answer that?

[MR. PRESIDENT *in the Chair*]

I am asking when this section would apply. When will section 3A(3) apply? That is:

“A person referred to in subsection (1) who has ceased to hold office for more than six years before the 1st April, 2008, is entitled to the revised pension referred to in subsection (1)...”

When would the former President access this particular emolument? I could give way.

Sen. Browne: No, keep going.

Sen. Dr. A. Nanan: Would the spouse of former President Noor Hassanali benefit and when? [*Laughter*] [*Interruption*] That is the thinking of the Attorney General, but other minds think otherwise. We need to get clarification on that matter. [*Crosstalk*] It is my humble opinion that the spouse of former President Noor Hassanali would not benefit immediately. I say that in the context of how it is drafted. I think there may be a drafting error and it might need to be corrected, in terms of the time frame, for the benefit of the spouse.

I have one more thing to discuss. In the Minister in the Ministry of Finance's opening presentation of this debate, he made reference to pieces of legislation dealing with the assisted-secondary school teachers. The Minister made reference in the context of interim allowances in the teaching service. He also made reference to the retiring allowances legislation and upgrade of that legislation.

The Minister was laying out the grounds of what has already been brought by that administration, with respect to pensions and pension benefit, and with respect to assisted secondary school teachers. He also included parliamentarians, because the retiring allowances deal with parliamentarians.

I want to ask the Minister about the pieces of legislation that were brought before the Senate and also about this particular piece of legislation. The Minister could give us some quick idea on the Government's Pension Reform Task Force. We had a list of the various legislation brought for pension benefits. We want to get a little update, if the Minister could do so, in terms of that particular consultancy that was in the Ministry of Finance.

With those few words, I thank you.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I had not intended to speak during the course of this debate, but quite a number of Senators made contributions that I think we need to clarify. First of all, reference was made to the Eighty-Ninth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago, which was laid in both Houses. At page 16 of the report, chapter 5, it says very simply that:

“Under the Constitution, the Office of President of the Republic is established as the Head of State and Commander-in-Chief of the armed forces. The Office

is ranked the highest in the Table of Precedence for the Republic of Trinidad and Tobago and is vested with executive authority in specific areas and on occasions as provided for, under the Constitution.

Our recommendations for the Office of President are as follows:

Salary

Duty Allowance

Transport Facilities

Housing

Entertainment

Vacation Leave

Overseas Travel Facilities

Telephone Facilities

Medical Benefits

Pension/Gratuity

Exemption from Taxation.”

When you get to the section that says “Pension/Gratuity”, it says:

“Entitlement to superannuation benefits in accordance with the provisions of the President’s Emoluments Act, Chap. 2:50.”

So the Salaries Review Commission Report recognizes that in respect of matters related to pension, that would be dealt with in a separate piece of legislation, entitled: The President’s Emoluments Act. This is the Bill that is being debated this afternoon.

Contemplated in the legislation is to bring to the attention of legislators an issue that has been considered over a number of years, based on the extended life of some of the holders of high office. All this is seeking to do is to have a review, at intervals, to adjust the pension arrangements for individuals in this class of employment in the country; that is all.

Your President is the highest ranking executive in the society. He makes a contribution and he makes decisions, and it is not, in my view, appropriate to say in a debate that the matter of equity and how you treat with other people in the

society has to be dealt with in the context of your highest office holder. In point of fact, the holder of this office is not the same as everybody else.

Sen. Dr. Gopaul-McNicol: How?

Sen. The Hon. C. Enill: No; the holder of this office makes decisions and those are provided for within the context of the institution that we have set up to deal with that.

The other issues that we deal with, the question of how we deal with other members of the society, is dealt with quite fairly when we do our budget exercises and when we make recommendations as they relate to certain principles.

Principle number one, for example, is that on the matter of pensions, there are universal principles about death, mortality and morbidity. It is a science which deals with those matters. Those matters are dealt with in the context of other arrangements, but as it relates to this office holder and the Office of Prime Minister, there are arrangements, constitutionally, that are very specific.

Mr. President, I thought I should just make those few comments on this particular matter.

Thank you.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Thank you, Mr. President. I thank hon. Senators for the comments which were made on this Bill. I thank the hon. Minister of Energy and Energy Industries, Sen. The Hon. Conrad Enill for clarifying the point on the Salaries Review Commission. It is also clear that there were some misunderstandings that were espoused during the course of the debate. I also thank Sen. Seetahal SC for clarifying some of the legal issues, far better than I could.

With respect to some of the questions which have been raised regarding a series of matters that actually have been debated in several Motions brought before this Senate and also several questions which have been asked that relate to the National Insurance Board and the pension plans, and which relate to the Senior Citizens Grant, I think there have been no fewer than four motions on the adjournment dealing with those matters. Those matters have been well ventilated.

I have also learnt, certainly from one of my political advisors, that even though you have said it once, it does not necessarily mean that it is either understood or heard, so sometimes it bears the benefit of repetition. Today, perhaps, would have been an experience such as this.

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Certainly under section 141, the Constitution is not breached. The Constitution deals with the existing office holder, as “in office.” Also, the point was made very clearly on the capacities and constraints of the Salaries Review Commission and its powers. The SRC has jurisdiction over active service obligations, but Parliament has jurisdiction over pensions as they are set out by statute. Quite apart from the fact of the provisions of section 141, the amendments dealing with past Presidents could only be resolved by statute and, therefore, by discussion in this House, which is the reason we are discussing this Bill.

It is also clear that, with the best intentions in the world—and pensions and pensions legislation have always been developed with the intention of what one would consider to be an average position, what one would reasonably expect, such as life expectancy. As I have indicated in my initial presentation, the Bill and certainly its provisions, have been altered as a result of the effluxion of time and the realities of survivorship; in fact, the length of time that the existing office holders have been here. It is certainly a sensitive point with regard to the age and medical benefit.

One person asked the question about mandatory medical care; suffice it to say that the Government of Trinidad and Tobago will take the appropriate decisions as and when required, as we have in the past, to take care of our past Presidents, where medicals are concerned. Those have been done at the level of Cabinet, not at the level of House, because those are the capacities of Cabinet.

Just by way of reference and, perhaps, to use a North American context, a past President—and there are several serving past Presidents in survival in North America—is entitled to an office and Secret Service for the entire period of his life after office, an executive library, secretarial assistance for the writing of his memoirs and a number of other benefits, other nontaxable benefits, quite apart from the survivorship issues with regard to maintenance of income. I think that those are also adequately dealt with in North American legislation.

This is simply a Bill which seeks to recognize the fact that our office holders have lived long and, in those circumstances, we need to ensure that they are taken care of and that they do not fall into reduced circumstances for all that it would mean for the State and, by definition, how we would treat with our exemplars.

I thank Sen. Ali for repeating the quotation, which I also did in my presentation, from the presenter of the Bill in the other House.

With respect to the obligations and some of the other points that were made and the standard provisions for the review of pensions—and that varies in accordance with the standard trust deeds, in terms of how they are done. The standard actuarial valuations for pensions are done every three years, as a standard. There are two different types of plans, as I have said before in this Senate. There is what is called a “defined benefit plan” and what is called a “defined contribution plan”. The actuarial valuations are really required for what we consider to be defined benefits.

5.30 p.m.

Now, a defined contribution is what is also called a money purchase plan. Money purchase plans are very simply you get what you pay for. Whatever you put into the fund and what it buys, that is your pension.

Benefit plans have at the back of it a sponsor and, invariably, the sponsor takes some oversight and some responsibility with respect to how the benefits would be paid in future and those benefits can be reviewed on an ad hoc basis. The standard definition or the standard prudential requirement is that it be reviewed every three years. The arguments always come with regard to how we distribute surplus, but when it comes to a deficit, we always look to the sponsor to pay for it.

Recent experience in North America has clearly indicated that defined benefit plans have serious and onerous obligations, and that is certainly true, for example, with respect to the international car companies where those benefit obligations have, in fact, been much larger than their capacities to pay.

So, as much as we would all want to have a pension which is equal to 100 per cent of our salaries—we would like to have it in perpetuity and we would like to have it revised in accordance with inflation—unfortunately, that does not exist, because it also has to do with the capacity of our country and the ability of the fund to be able to pay it. There is no such fund that does this on an ongoing basis.

With respect to the review of pensions and, certainly, in the case of national pensions—national pensions are reviewed under an ILO convention and in accordance with an ILO actuarial arrangement for which the NIB publishes a publication which is laid in this House and which sets out what are the recommendations of that particular body, in terms of how the fund should be run and also too in accordance with prudence. I think I have on other occasions indicated that at the end of the day, all actuaries—actuaries are known as grey accountants; they are very conservative people—seek to provide a benefit that allows the fund to survive, to grow and to continue.

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So, with respect to some of the comments that were made, I just simply repeat them by way of elucidation, because it has been said before that the Government and the NIB do review the NIB obligations in accordance with an actuarial valuation which is done, just like with private pension funds. It is done every three to five years, and the publication is laid in this House. There were a number of recommendations which are far-reaching in nature. The last actuarial valuation noted that we do face a problem starting in 2035 between the period 2035—2050 where the age grouping of 16—59, the working population, starts to fall in relation to the number of retirees. This is a feature of funds literally everywhere in the developed world, and it is one of our features to which we must be sensitive. So that all provisions with regard to the future must focus on sustainability.

With respect to the issue of the Senior Citizens Grant, that has also been dealt with in so many different ways, but just simply to say that the Senior Citizens Grant has risen from \$1,000 in 2003 to \$1,150 in 2005; \$1,350 in 2007; \$1,650 in 2008; and \$1,950 in 2009. Suffice it to say that the Senior Citizens Grant caters for those persons who are not in an active pension or alternatively their pensions fall below what we consider to be the NIS minimum. It does not require any contributions on the part of the public. So, just to put that into perspective, the Government is mindful and has reviewed it five times in the last six years. I think this is the only year we have not done it.

Mr. President, with regard to our own current circumstances—I would not speak to the issue of what developed countries do, but simply to our own circumstances in terms of how we treat, not merely with our elders, but how we treat with institutions and persons who have held institutions—I think that there is no better definition or better measure of our development than how we hold those who have held office in esteem. This is simply a measure of creating and maintaining the institutions, not only of the Government, but the institutions which are critical to this country and the institutions which are part and parcel of our citizenship structure.

Mr. President, I believe that everybody here has expressed opinions which are clearly in support of this Bill, and I can do no further and no better than to say I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Sen. Mark: Mr. Chairman, the question of clause 3A(3), where it talks about the revised pension, I raised a matter earlier on and I wanted to get a response from the hon. Minister.

Sen. Browne: Why it is six years?

Sen. Mark: No. Well, I asked what is the rationale for the formula and nobody supplied me with an answer. In addition to that, I had asked the hon. Minister whether the Government intends to launch an investigation into the scheme that took place recently involving 3,100 former Caroni (1975) Limited workers who were tricked by the ADB and the UTC, and they have lost all their savings and so forth. I just wanted to find out from the hon. Minister whether the Government intends to look into that matter.

Sen. Browne: Just for clarification, whilst this is not covered under any clause, I am going to give him an answer. There is no need for an investigation. The persons who invested under the UTC scheme have received their principal. They may have lost their interest. I just want to make that point. They have received their principal, and they may have lost some income. With all investments there is always a downside risk. I just want to make that point.

With respect to clause 3A, I think you asked a question during the course of the debate, and if I did not answer you, the reason it is every sixth anniversary of the date—I guess the number we came up with—I indicated to you that the reviews are normally done as a standard basis every three years. I think also the office holder of the President holds office for five, and it was five plus one and that is how we ended up with six.

Sen. Mark: The other question that was raised earlier is; when will this matter be effective? As soon as this is passed, would the retired Presidents along with the spouse of the former President be able to access whatever is the percentage? In the case of the two retired Presidents, will they get the difference of what they are receiving and the \$49,500? The spouse is two-thirds. When is this going to be effective? That is what we would like to know.

Sen. Browne: The effective date is April 01, 2008. That is the date from calculation, and the date that it is assented to is when it will kick in. So, it is from the date of assent. It is going to start as soon as the Bill is assented to.

Sen. Mark: Okay.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Mark: Mr. Chairman, is there a clause 4? We have an old Bill, Sir. I did not see clause 4. Do we have a clause 4, Sir? Mr. Chairman, you see, I was denied my rights, because I did not see this Bill.

Mr. Chairman: Senator, you spoke to clause 4.

Sen. Mark: I did without seeing it. [*Laughter*] How can I speak to clause 4 and I did not see it? Okay, I did not see this Bill at all, Sir. Sorry about that.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, October 20, 2009 at 1.30 p.m., when we will discuss the Tobacco Bill. Mr. President, by agreement, we will do the Tobacco Bill next week.

Sen. Mark: Mr. President, with the leave of the hon. Leader of Government Business, Private Members' Day is the following Tuesday, and I would like to suggest, having regard to the urgency of the Evidence (Amdt.) Bill, we pull back Private Members' Day on that Tuesday, and the following Tuesday we can deal with Private Members' Day. So, at least, even though if we do not deal with the Evidence (Amdt.) Bill on Tuesday, because we will also be dealing with the

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Tobacco Bill, the following Tuesday which is Private Members' Day, I am proposing that we deal with the Evidence (Amdt.) Bill, so we can have a compromise.

Sen. The Hon. C. Enill: Mr. President, I beg to move that the Senate do now adjourn to Tuesday, October 20, 2009 where we will discuss the Tobacco Bill, and then we will discuss the Evidence (Amdt.) Bill thereafter.

5.45 p.m.

Divali Greetings

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, over the next few days we would be celebrating the festival of Divali and on behalf of the Government we wish to associate ourselves with all that is positive, all that is prosperous and all this is meant at this time. We join, of course, with others in our society, who, at this particular point in time, reflect on that which is good and bring to us the blessings of the Almighty. I wish to, on our behalf, extend greetings to our East Indian brothers and sisters, the Hindu community, at this particular time.

Thank you, Mr. President.

Sen. Wade Mark: I would like, with my colleagues to take the opportunity and may I join with the Leader of Government Business in the Senate and the Minister of Energy and Energy Industries in extending on behalf of the UNC which is the ultimate government, we would like to extend to the entire community of Trinidad and Tobago a very happy and blissful Divali 2009.

As we all know, Divali is the festival of lights, symbolizing the victory of righteousness and the lifting of spiritual darkness. For thousands of years, dating back before written records, Hindus have seen this ceremony, the 15th day of the dark fortnight in the Hindu month of Asvina as a time to renew their faith in the light of knowledge triumphing over ignorance which subdued humanity.

Across the world the Hindu community is joined together to commemorate Lord Rama's return to kingdom after completing his 14 years in exile. So the virtues of justice, truth, integrity, humility and freedom are celebrated. In this way we revere in religion to celebrate these value systems, and we, on this side, hope that the lights of Divali illuminate the consciousness of the citizenry so that they can wake up and begin to view our democracy in a similar vein.

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In closing, Mr. President, it is our ardent and fervent hope that as we light the sacred lamps into our nation, this light will symbolize triumphant enlightenment over blind faith, prosperity over poverty, knowledge over ignorance, good health and well-being over disease and ill health, and most importantly freedom over bondage, which we all endure and we must liberate ourselves from under this arrangement.

Happy Divali to all and may Mother Lakshmi shower and bestow her choicest of blessings on our entire nation. Shubh Divali.

Sen. Dana Seetahal SC: Thank you very much, Mr. President. On Saturday we celebrate the festival of Divali which is also called Deepavali in some countries, and it is as we all know and it has been said already, the festival of lights which reflects the triumph of good over evil and light against darkness.

As a Hindu myself, not necessarily the best of practising Hindus, [*Laughter*] but I do celebrate the festival, as I do Christmas as well, I take this opportunity to extend to the entire Trinidad and Tobago, many persons not of the Hindu religion do celebrate Divali as well, so I extend all best wishes to them in this particular festival of lights and specifically and specially of course to the Hindu community, not only East Indians, if I may correct my colleague. To that I say Shubh Divali.

Thank you very much, Mr. President.

Mr. President: Hon. Senators, on behalf of my wife, myself and members of the staff of the Parliament, I would take this opportunity to wish you and the entire nation, very best wishes with the coming event of Divali. The festival of lights as we know it is perhaps not entirely understood by those of us who are not Hindu, but still we can understand the basic tenets and its principles, and this is what I would wish for all of you and for the country, and that is the light of the creative being shine upon each and every one of us, with the truth and the sincerity, the love of that pure light enter your hearts and your minds, and that from the day of celebration you go forward with your lives living that truth, that love and that light for all humanity, and that we continue to treat one another with respect, courtesy and love.

Let us look away from the things that are dark, the things that are evil, the things that hurt and look upon the things that make us smile, make us laugh, make

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us happy and make us better. Let us look at the good things in our lives; let us try to make our country better; let the light creator shine upon all of us.

Have a very happy day on Saturday and see you next week Tuesday.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.52 p.m.