

SENATE

Tuesday, May 10, 2011

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

CONDOLENCES

(Mr. Kenneth Valley)

Mr. President: Hon. Senators, you will be aware of the untimely recent passing of Mr. Kenneth Valley. I now invite Senators who would like to make a tribute on his passing to do so now.

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, on behalf of the Government and people of Trinidad and Tobago, we extend our sincere condolences to the family of the late Kenneth Valley.

The tribute to Mr. Kenneth Valley today will indeed be different from all tributes because Mr. Kenneth Valley worked with many of us for a very long period. He had a very flamboyant character and that appears to have been manifested from the fact that he was born and grew up in the sugar belt. As a matter of fact, he had all the warmth of the people of the sugar belt. He grew up, more particularly, at Deonarine Junction, McBean, in the McBean Sugar Estate. Up to the present time, some of his relatives still reside there.

As I said, we knew him for a very long time. In 1987, he was appointed a Senator on the Opposition Bench after the National Alliance for Reconstruction (NAR) won the election. In the Senate, he honed his skills and, in 1990, after the untimely passing of the late hon. Leo Des Vignes as a result of the incident of 1990, he fought the by-election and won the Diego Martin Central seat.

He defended the seat on a number of occasions: 2000, 2001, 2002, and 2003. Eventually, he became the Member for Diego Martin Central and there he excelled. He was first the Minister of Local Government. He was then the Minister of Trade and Industry and then the Minister in the Ministry of Finance. Apart from that, when the People's National Movement (PNM) was in government, he was the Leader of Government Business and when they reverted to the Opposition Benches, he became the Chief Whip in the Opposition.

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Mr. President, when he became a Member of the Lower House and a Minister, he worked assiduously. He was a hard worker and that was manifested by the fact that all the constituents of Diego Martin showered their love and blessings on him.

Mr. Kenneth Valley was an astute debater. He was eloquent and he had something called the “killer instinct” in that he identified anyone opposed to him, picked you out and went for the jugular. The hon. Minister had been one of those persons at the receiving end, but he stood his ground and defended himself well.

Mr. Valley also chaired a number of committees and was au courant with the Standing Orders and used them effectively against the Opposition, especially Standing Order 43. Mr. Valley was well liked by everyone and what is strange is that many persons bestowed accolades on Mr. Valley and each said something else about his character; an indication of the full man he was.

The hon. Prime Minister, Mrs. Kamla Persad-Bissessar, in her tribute to Mr. Valley, said:

“Mr. Valley was an institution in the Parliament from my very first day there. During the time I’ve known him within the Parliament, he conducted himself with decorum, dignity”—others might think otherwise when he stood up for what he believed in certain instances in the Lower House—“steady representation for his constituents.”

She said Valley had distinguished himself as Government and Opposition Chief Whips when the PNM moved from Government to Opposition and then back to Government during the period 1995 to 2001. ‘He conducted himself at all times in a manner befitting a good parliamentarian.’”

I wish I could say that of Sen. Hinds, but we will come back to that another time.

“She added that while the PNM which Valley served from 1986 to 2007 has lost a committed foot soldier, ‘all of our indigenous politics is now deprived of an outspoken Member who seemed always to be humbly and honestly led by both his conscience and conscientiousness.’”

The leader of the PNM also showered praises on the late Mr. Kenneth Valley. His colleague, the Member for Diego North/East, Mr. Colm Imbert, who served with Valley in the former Prime Minister Patrick Manning's first administration, said:

“One thing I remember about Ken, he always had very strong opinions. Very passionate, very vibrant. He believed very much in what he was doing.”

Sen. Hinds: He did not believe politics had a morality of its own.

Sen. The Hon. S. Panday: Okay. Like you. The UNC Chairman, Mr. Jack Warner said:

“‘We will miss Ken, but the life he lived and the legacy he has left as a businessman, as a politician, as a gentleman will never be forgotten.’ Stating that Valley had devoted his life to the development of TT and his death ‘robs us of the wisdom he has acquired over the years which would have augured well for all of us as we seek to make TT a better place’”

Mr. President, Dr. Moonilal, who sits in the position that the late Ken Valley sat, also had praises for Mr. Valley. The hon. Speaker of the House of Representatives, Mr. Wade Mark:

“...hailed Mr. Valley as ‘an undeniable force in this country's Parliament.’ Mark said Valley's political career reflected a strength of purpose and loyalty to the party and service to country which spanned two decades.”

Mr. President, these are persons who worked with him, but when one listened to the man-in-the-street, one saw another side of the late Ken Valley. The man-in-the-street, one said, “He was a very nice and respectable fellow.” Indeed, he was. Another person said that: “He was a good politician. He served the PNM well. May God rest his soul!” Another member of the public said: “He was a non-sense man. I always used to look at him in the Parliament. There are people who would think that some of the things he said are both positive and negative, but he always said what he believed.”

Another man-in-the-street said: “I remember him as one of those serious politicians”; and these have been the accolades of a wide spectrum of the society.

It was Orville London who said that Mr. Valley was outspoken and stood up for what he believed even though the decision might have been unpopular. I remember one time when the whole society was saying that we should start wearing our ethnic wear, the kurta and the dashiki and he said: “I am a new age man; I am a modern man. I do not intend to wear these clothes to look like a mook.”

The point is that it went against the flow of society and showed the character of the man who would stand for what he believed even if it is against the flow of society. He was a man who wanted to see justice done. When Sen. Beckles-

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Robinson was unceremoniously relieved of her position in the Senate, he thought an injustice had been done and resigned for a short period from the government because he was a man who believed in fairness and in justice.

He was a man of vision. He could have seen a dictator around the corner. He defied the laws of physics and said, in 2007, "It is time to take steps to deal with the dictator; remove him." He meant it in all honesty. He was rebuffed when it was said to him: "Many people like to tell you to buy the cow, but nobody likes to help you cut grass." He never rebutted. He stood for what he believed, but he thought that in the interest of society he should have stayed quiet.

1.45 p.m.

Mr. President, in hindsight, one would have seen that had he not been inflicted with such serious illness, for such a long time, indeed, he would have been one of the best grass cutters. His life was very flamboyant, it was very colourful. He lived for what he believed in. May his soul rest in peace. Thank you.

Sen. Penelope Beckles-Robinson: Mr. President, I would also like to express my condolences to the wife, children, relatives, the constituency of Diego Martin Central and, of course, the wider PNM family, on the loss of Mr. Kenneth Valley.

I have known Mr. Valley for more than two decades, and when I served as a councillor in the Arima Borough Corporation, he chaired the legislative group. One of the interesting things about Mr. Valley was his willingness to give you advice and guidance, as someone who had just entered the political arena.

Whilst Mr. Valley chaired the caucus and the legislative group, one of the interesting features for me was his organizational skills, notwithstanding the fact that he was a Minister. You could be certain that the morning or evening of caucus or the evening or morning of the legislative group meetings or the day before, he found time to send you that text message to remind you of your meeting, so you really had little or no excuse for not attending. I always found it very interesting that he would actually make that time, and somebody would ask, "Did you get your text?" Therefore, in a sense, we all realized the importance with which he saw those meetings and the extent to which he would go to ensure our attendance at those meetings.

I am sure that over the last couple days you would have been reading the various editorials in the newspapers and the various tributes to Mr. Kenneth Valley, and we would see that the nation as a whole came together to mourn the

loss of Mr. Valley. We see it fit to honour his legacy, especially within these Chambers where he so honourably served with dignity and distinction. As commendations and praises of his legendary efforts and achievements continue to pour in, one can only step back and appreciate the many contributions made by Mr. Valley towards the upliftment of this nation, in the many portfolios that he held over the years.

As hon. Minister Panday said, Mr. Valley's career in the political arena in this honourable House started in 1986. His historic appointment as one of the first Opposition Senators for the PNM afforded him the unique opportunity to use his vast experience and expertise in the business and financial arena, to contribute to the development of the nation in the legislative branch of Government. During this crucial period in the party's history, Mr. Valley is described as having played a pivotal role in the renewal of the People's National Movement. [*Desk thumping*] He was instrumental in formulating and developing the economic policies of the PNM which were adopted in 1987, and sustained fundamentally until 2010. It was these very policies that ensured a return to economic growth and prosperity in Trinidad and Tobago from 1992 onwards, after many years of economic decline.

In 1990, Kenneth Valley successfully contested the Diego Martin Central by-election and won. He remained an Opposition Member until 1991 when he went on to serve in the PNM government. As a Member of Parliament for his constituency, Ken Valley was beloved by those who he served, having represented the constituency for almost 17 years with dedication and distinction. He continued contributing to the community and the nation as a whole after his exit from political life.

In government, Mr. Valley held several senior portfolios, including Minister of Local Government, Minister of Trade and Industry, Minister of Finance, Leader of Government Business and Opposition Chief Whip. He also, as we know, chaired several committees in the Parliament, including the Public Accounts Committee and the Joint Select Committee on legislation pertaining to bankruptcy and insolvency.

During his time in government, as well as in Opposition, the vision Ken Valley had for the nation and the Caribbean as a whole, led his extraordinary efforts in formulating and implementing effective policies for the development and diversification of the economy, as well as expanding multilateral trade both regionally and internationally.

He wanted to see more value added goods and services that would appeal to the entire world, as opposed to a commodity-based region. He was seen as a

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transformational minister and paid a key role in the development of the state enterprise over the years, which led to greater economic efficiency and positioned Trinidad and Tobago as an attractive destination for direct investment.

Some of his monumental achievements in his ministerial capacity included the Caricom Free Trade Agreement, diversification of the economy, the country's bid for the FTA headquarters and the development of trade links with Latin America.

Mr. Valley has been described as a true patriot in many of the accolades recognizing his contribution to nation building. But whilst most of these commendations were in the context of Trinidad and Tobago's internal politics, he also stood out in the international fora as a passionate promoter and marketer of that single, yet multifaceted product or commodity, Trinidad and Tobago.

On the international stage, Mr. Valley fought tirelessly searching for that market niche on behalf of our beloved Trinidad and Tobago. His tireless and unflagging passion in this regard was self-evident, whether on the topic of Free Trade of the Americas, expansion of air routes with the potential of Port of Spain being a major transportation hub or the promotion of market access for Trinidad and Tobago products throughout the Americas.

In pursuance of these objectives, a great deal of synergy was developed between his ministry and the Ministry of Foreign Affairs. With the collapse therefore of the FTA negotiations, Mr. Valley was extremely disappointed, to say the least. This development, especially when Trinidad and Tobago was clearly ahead in the campaign, saw the evaporation of the twin mission of the ministry and the Ministry of Foreign Affairs, seeking market expansion on the one hand, and the sitting on the other hand of the FTA headquarters in Trinidad and Tobago. Such was the exemplary career of Ken Valley, who served his nation with great honour, dignity, passion and humility.

A simple look at the tributes pouring in from various members of the national community, paints an appropriate picture of the impact Ken Valley had on his country and its development. Even those described as political adversaries, are glowing in their praise and tribute. He is described as being passionate and vibrant, humble and honest, a true gentleman and a patriot. He was respected by many and known for his loyalty and civility.

As we honour the life of this distinguished son of the soil, the realization dawns that Trinidad and Tobago has not only lost one of our true great public servants, but with him goes a lifetime of wisdom, knowledge and expertise

acquired over the years of nation building. For the vast contribution and the dedicated service of Mr. Ken Valley, the people of Trinidad and Tobago will forever be grateful, and his memory will be cherished always. [*Desk thumping*]

Thank you.

Sen. Basharat Ali: Mr. President, it is with a sense of sadness that I rise to pay tribute on behalf of the Members of my Bench, the Independent Bench, to Kenneth Valley on his passing.

Let me first endorse all that the Leader of Government Business in this House has said and certainly the Leader of the Opposition. I endorse completely what they have brought to this House in terms of their respective parties and in the tributes paid to Ken since his passing.

I would speak of Ken, because Ken was my friend. Everybody called him “Ken”. He was a colleague of mine; a friend and colleague for some 30 years, so that is 1981 till now, that is 30 years. I knew him in his pre-parliamentary years, when he was a public officer in the Ministry of Finance, and I was Head Refining and Petrochemicals Division, National Energy Corporation.

In the 1981 budget, the government had announced approval of two projects, the 1,200 tonnes a day methanol project and the 1,620 tonnes per day granular urea project. An early requirement was to seek financing for each project beyond supplier credit from the chosen contractors and the government equity injection targeted 30 per cent of the project cost.

In mid 1981 or thereabouts, Ken would have assumed the position of Head Project Financing in his ministry, the Ministry of Finance, with responsibility for these two projects among others. Strangely, our first encounter was, to say the least, unsuccessful. The meeting having been aborted by me, my then boss told me that I was reported to the Permanent Secretary, Ministry of Finance, and I had to explain the circumstances.

In that first meeting, Ken had brought a bright and impetuous young professional who proceeded to question the quality of the two feasibility studies which had formed the basis of government’s investment decision. Instead he was singing the praises of some study on a dry cement manufacturing project in Barbados which he had done. After listening to him, all I could say during this exchange—Ken was a listener; he sat there smiling his usual way and listened. I eventually said I thought that the meeting was about financing of our projects and not a critique of the work we had done. I then picked up my papers and left.

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The next meeting was a full turnaround. Our young friend had found out that I was related to him and was ready to embrace me, and not a critique. All's well that ends well, Mr. President. Ken just smiled through the whole incident.

Mr. President, just to follow up on this project financing process, as I call it, it was a long process and the culmination of our proposal was a roadshow in New York and London in 1984, to present our proposal to the respective banking communities with our appointed financial advisors; as far as I recollect, First Boston for methanol and Schroders for urea. Ken, of course, took the lead on our side, ably supported by NEC treasurer, Kip Thompson. I was impressed by his performance in the international arena and his ability to coordinate an event like that between bankers and our advisors.

Because of the urgency of the situation, in 1984 the plants were almost completed, he organized a quick turnaround to facilitate a change from New York to London. So Ken organized for us to go by Concorde. I was most impressed, I had never been on the Concorde, and there it was he took us there.

Let me say that whole project had a modest success. We were able, in those hard times, to raise US \$50 million for methanol on the London market.

2.00 p.m.

Mr. President, after all I have heard about his parliamentary career, I will not repeat, I will just follow on that to my experience of Ken Valley in this Parliament. So I fast-forward to 2004 when I next sat face to face with the hon. Kenneth Valley in his capacity of Minister as Trade and Industry and I recall, specifically the Metrology Bill piloted by Ken in this honourable Senate on June 01, 2004.

Ken's sense of humour was displayed during my contribution when I was giving an exposé on body mass index, a serious subject for many. Mr. President, allow me to quote from *Hansard* of that day, June 01, 2004 and I would summarize parts of it. Let me start with the beginning, I said:

“I have posed these questions in the light of the April promotion by the Ministry of Health as “Health Promotion Month”, when we are being urged by the hon. Minister to keep track of our Body Mass Index. As you would undoubtedly know, Body Mass Index is defined as weight divided by height squared in metric units, that is kilograms per square metre. I hope that the hon. Minister of Health and, indeed, my good friend who proposed this Bill today, are able to quickly calculate their own BMI. You can only do that if you have answered ‘aye’ to both questions posed earlier.”

which was asking about metrication.

Let me go further on and say that I had read in the *Guardian* a flyer or an article which gave the way to calculate, so in my serious vein I read out from this *Guardian* article about the body mass index. I said how you calculate your BMI, I said multiply your weight in pounds by figure to get your kilograms—conversion overall, I shall not go into it, but I gave the four steps which are required to get to the final answer of your body mass index. Then I said:

“So there is how you calculate your BMI and I hope that we all take that seriously and we can do that because it is part of the way to health.”

The *Hansard* says:

“**Mr. Valley:** Repeat it. [*Laughter*]”

There was laughter in the House—that is all he said “Repeat it.”

And I said:

“Madam President, I can have it copied so my good friend across there would know—I thought he would come here all prepared to tell me, ‘yes, I can do it instantly.’”

So that is the way he would take a serious matter and put a little humourous touch in it and we all had a good laugh.

So that was the subject of BMI and metrology. Unfortunately, we have not reached anywhere on it. But he also piloted the companion Bill to the Metrology Bill which is the Metrology Act unproclaimed, the companion Bill we call the CROSQ Act, that is Caribbean Regional Organization for Standard and Quality (CROSQ) and he also piloted that Bill successfully through Parliament, but not in the Senate. He had done it in the Lower House and got it passed there and then he let the hon. Minister of Foreign Affairs do the deed up here in the Senate.

So those were Bills related to things which we still are fighting with today, Mr. President, and I hope now that Ken is gone and we have had promises from the Government about when we might get the Metrology Act proclaimed, let us remember that he is the man—and that is June of 2004—who presented this and had that Bill passed as an Act of Parliament.

I know, and reference has been made to the trade agreements which he piloted and I will just pick two of those, Mr. President: the Costa Rica Free Trade Agreement Act of 2005 and the Cuba Trade and Economic Cooperation Act of 2006. Those are Bills which he walked through both Houses and which—I know the Costa Rica one has certainly been in force and I think the Cuba one to a certain extent.

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So, Mr. President, these are some of my reflections on Ken Valley, a personable man, a capable professional and a parliamentarian who has given yeoman service to his country.

On behalf of all of us, I say thank you, Ken. To his family I offer condolences and I say to them, please be consoled by his immense contributions to the lives of all of us. May Almighty God bless his soul and grant him eternal rest.

Thank you. [*Desk thumping*]

Mr. President: Hon. Senators, I simply would like to join with the sentiments of the Senators who have spoken before me on the passing of Mr. Kenneth Valley.

I happen to have known Mr. Valley personally in three different capacities: I knew him in the insurance field, I knew him as an Opposition Member as well as a Minister, and certainly, I can say from those interactions which I have had with him on those occasions that he was a most affable character to deal with, but you need not think that perhaps his affability might lead you to think that you could get one past him, he was a most forthright man. He stood by his convictions and you could know that there was no further bargaining with him beyond a certain point.

He was a gentleman on whom you could rely for guidance. There were many times on which—certainly in the insurance field—I had been able to rely on Mr. Valley in terms of the guidance that he had offered, so I am certain that he would be sorely missed by us in Parliament. I think that he would go down in the history of Parliament as an icon to be remembered when the history of Parliament is said and that he would be missed by his constituents and the country as a whole.

We wish to offer our condolences to his wife and family and I will ask the Clerk to send a suitable letter of condolence to his wife and family extending the heartfelt sympathies from this Senate.

Thank you. The Senate will stand in a minute of silence.

The Senate stood.

PAPERS LAID

1. Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2010. [*The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday)*]

2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Tobago Regional Health Authority for the year ended September 30, 2009. [*Sen. The Hon. S. Panday*]

JOINT SELECT COMMITTEE REPORT

Legislative Proposals

(Presentation)

The Parliamentary Secretary in the Ministry of Energy and Energy Affairs (Sen. Kevin Ramnarine): Thank you, Mr. President. I have the honour to lay on the Table the following report as listed on the Supplemental Order Paper in my name: The Second Interim Report of the Joint Select Committee appointed to consider and report to Parliament on the legislative proposals to provide for public procurement and disposal of public property and the repeal and replacement of the Central Tenders Board Act.

ORAL ANSWERS TO QUESTIONS

The Ministry of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, the Government is in a position to answer all the questions on today's Order Paper. [*Desk thumping*]

Sen. Hinds: Mr. President, before we do that, we had agreed, my friend, Sen. The Hon. Panday as Leader of Government Business here and through the Clerk of the Senate, that questions Nos. 55 and 61, being possessed of typographical challenges would be deferred to another time, so I would—I am certain that my friend is aware of that so I would begin by directing question No—

Sen. The Hon. S. Panday: Would you give way? You said that there are typographical errors; would those amendments change the nature of the question?

Sen. Hinds: In my view, yes. I brought it to the attention of the Clerk, the Clerk has agreed and we would deal with them later. Mr. President, question No—

Sen. The Hon. S. Panday: Sorry, Sir; sorry, Sir. Mr. President, I humbly submit that after speaking with my learned friend I have checked the Standing Orders and the Standing Orders do not make provision for that. If one looks, however, one would see that under Standing Order 91 rules in cases not provided for by the Standing Orders and when one looks at May's *Parliamentary Practice*—the bible—as it says does not make provision for the amendment of questions in that order. On page 342 of May's *Parliamentary Practice, 23rd Edition 2004*, it gives you the power to withdraw the question and bring it in the proper form, but it does not give us the power to amend a question in that order. May's also said:

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“The notice of a question may be withdrawn at any time before the question is due to be asked;”

Therefore, even at this point we are willing to permit the question to be withdrawn, but to say that the Standing Orders do not make provisions to amend the question.

Sen. Hinds: Unnecessary mini thesis. We were all aware of that and we have decided to withdraw them and get the proper questions forwarded for the presentation of the Senate a long time ago. [*Desk thumping*] It appears as though the only person who was not aware of that simple fact was you, so let me continue to direct question No. 53 to the hon. Minister of Justice.

The following questions stood on the Order Paper in the name of Sen. Fitzgerald Hinds:

**Piarco and Crown Point Airports
(Lighting of Runways)**

- 55.** With respect to the contracts for improved lighting of the runways at the Piarco and Crown Point Airports, could the hon. Minister of Works and Transport inform the Senate of:
- (i) the action taken by the Prime Minister in this regard;
 - (ii) the outcome of the resolution/consultation promised publicly by the hon. Prime Minister, in respect to these contracts when she called for a halt to the issuance of contracts without Board approval?

**Official Residence for Prime Minister
(Rental of)**

- 61.** Could the Hon. Prime Minister indicate to the Senate:
- (a) whether the State provided official residence for the Hon. Prime Minister prior to the date of occupation of the official residence at La Fantasie Road, St. Ann’s;
 - (b) if the answer to (a) is in the affirmative, whether the State paid for the rental of the residence for occupation by the Hon. Prime Minister prior to the date of occupation of the official residence; and
 - (c) if the answer to (b) is in the affirmative, what was the rental sum per month and the total amount paid in rent?

Questions, by leave, withdrawn.

**Police Complaints Authority
(Details of Functions)**

53. Sen. Fitzgerald Hinds asked the hon. Minister of Justice:

Could the Minister indicate to this Senate:

- (i) whether the role and functions of the Police Complaints Authority have changed in the past year;
- (ii) the number of complaints filed against police officers in 2006, 2007, 2008, 2009 and 2010;
- (iii) the number of complaints resolved in favour of the complainant in 2006, 2007, 2008, 2009 and 2010;
- (iv) the number of unresolved complaints; and
- (v) the date on which the previous chairman and vice-chairman of the Authority demitted office?

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, since we have guests in the Senate, is it possible to permit them to go first?

Sen. Hinds: No, no, let us go.

Sen. The Hon. S. Panday: It is 2.30 p.m. [*Interruption*] Okay, okay. You intend to make Ministers waste time, so let us go.

Mr. President, the answer to question No. 53 is that during the past year they have changed. The Police Complaints Authority was established on January 01, 2007 under the Police Complaints Authority Act, Chap. 15:05. This Act repealed the Police Complaints Authority Act, No. 17 of 1993 as amended and established the Authority as a body corporate. The Authority, under the former Act was mandated to receive—and I am showing you how the difference has come about—complaints against members of the Trinidad and Tobago Police Service and provide the same to the Police Complaints Division and the Police Complaints Division is different from the Police Complaints Authority, in that the Police Complaints Division is a part of the police service as you would know. It will provide same to the Police Complaints Division for investigation by the police while presently—the difference now—the Authority now is mandated to perform their investigations without involvement of the police.

2.15 p.m.

So, yes, the role and functions have changed, in that in the previous Act we had a case where the police were investigating police. Under the new Act, the Authority now investigates as an independent body; independent of the police service.

Sen. Hinds: That was last year?

Sen. The Hon. S. Panday: Yes, and I will help you. The Authority, under this Act, consists of the Director and Deputy Director. The first Director and Deputy Director were appointed on December 29, 2010. The Police Complaints Authority Act was Act No. 8 of 2006 which made provisions for the appointment of a Director and Deputy Director of the Police Complaints Authority, and that PNM government did nothing from 2006 to 2010, but this Government appointed the Director and the Deputy Director of the Police Complaints Authority. [*Desk thumping*] I am surprised that the hon. Senator was a Minister up to 2006 and he did not know that.

After the proclamation of the Act on January 01, 2007 and until the appointment of the Director and Deputy Director on December 29, 2010, the Authority was not duly constituted. The PNM passed a law in 2006 and never duly constituted the Police Complaints Authority, therefore you had a white elephant sitting there doing nothing. The Authority was not duly constituted and there was no legal entity to carry out any functions or exercise any powers under the Act, and that was under the PNM government.

During the period 2007 to December 28, 2010, under arrangements made by the Ministry of National Security and later the Ministry of Justice—this is a hybrid question which touches both the Ministry of Justice and the Ministry of National Security—all complaints were forwarded via the Commissioner of Police to the Police Complaints Division, that is before the Director and Deputy Director were appointed. It said the questions were forwarded via the Commissioner to the Police Complaints Division of the Trinidad and Tobago Police Service for their investigation. As a result, it was only on the appointment to the office of Director and Deputy Director on December 29, 2010 the Authority was duly constituted and all complaints falling within the remit of the Authority since that time are being investigated by the Authority itself. So in answer to the first part of the question, yes, the role and functions have changed during the last year and, particularly as of December 29, 2010.

The number of complaints filed against police officers in the years 2006, 2007, 2008, 2009 and 2010—I thought my friend would have answered 2006 because he was in the Ministry of National Security at that time, but we shall endeavour to answer them.

In 2006, 937 complaints were filed against police officers, of which 861 were sent to the Police Complaints Division and there were 76 which were determined non-actionable, that is they did not fall within the remit of the Police Complaints Authority. And if I may help my friend, the remit of the Police Complaints Authority under Act No. 8 of 2006 can be found in section 21 under the powers and functions of the Police Complaints Authority, which are:

- “(a) investigate criminal offences involving police officers, police corruption and serious police misconduct;
- (b) undertake inquiries into, or audits of”—and this is important—“any aspect of police activities for the purpose of ascertaining whether there is police corruption or serious police misconduct or circumstances that may be conducive to both.”

Hence, when one is answering the question, you will see it will be answered in such a way, for example, as I said—let us go further. In 2007, 561 complaints were filed against the police officers; 452 were sent to the Police Complaints Division and the balance of 109 were determined as non-actionable, that is, they did not fall within the ambit of section 21 of the Police Complaints Authority, Act No. 8 of 2006.

It says:

- “(c) monitor an investigation conducted by any person”—that is the power of the Police Complaints Authority now—“or authority in relation to any matter mentioned in paragraph (a) and to undertake audits of those investigations;”

The Act goes on further:

- “(g) gather evidence that can be used in the prosecution of a police officer...and furnish such evidence to the Director of Public Prosecutions;”

So when we say that some of the questions were non-actionable, it meant they did not fall under section 21 which is the powers and duties of the Police Complaints Authority.

In 2008, 210 complaints were filed against police officers, of which 113 were sent to the Police Complaints Division and the balance of 97 were determined to be non-actionable. In 2009, 203 complaints were filed against police officers, of which 146 were sent to the Police Complaints Division and the balance of 57 were determined as non-actionable. In 2010, for the period January 01 to December 28, that is at the time when the Director and Deputy Director were appointed, there were 158 complaints filed against police officers, of which 134 were sent to the Police Complaints Division and 24 were deemed non-actionable.

I go further, as my friend asked the question—I think my friend included 2010. That means up to 2010 there was no Authority so all the complaints were sent to the Police Complaints Division and since there was no Authority there was no reporting back to the Police Complaints Authority.

Upon the establishment of the Authority, by the appointment of the offices of Director and Deputy Director on December 29, 2010, for the period December 29—31, within three days, three complaints were filed against police officers; two were sent to the Commissioner of Police in accordance with the Act, for forwarding to the Police Complaints Division since they were outside the remit of the Authority, and one is currently being investigated by the Authority. That means two probably had information that dealt with police but did not fall under the four corners of the section. Hence, one matter for those three days is now being investigated by the Authority, an independent body with independent investigators.

The number of complaints resolved in favour of the complainants in 2006, 2008 and 2010, we cannot give any answers to that because the PNM did not appoint the Police Complaints Authority to ensure that that procedure had taken place. The PNM is at fault for not having those questions being answered. The number of unresolved complaints: number of complaints received in 2007—498; no further action—82; unresolved—416, all compliments of the PNM. The number of complaints received in 2008—226; no further action—88; unresolved—138. In 2009, there were 582 complaints; no further action on 285; unresolved—297.

People continue to complain and in 2010, 649 complaints were made against police officers; no further action on 174, and unresolved were 475.

Since the board had been appointed and the Authority duly constituted, at the present time for this year, 258 complaints have been filed. When the complaints had been verified and investigated, 129 fell within the remit of the Police

Complaints Authority and they are duly working on it. This Government of the hon. Kamla Persad-Bissessar, unlike the PNM, intends to give resources to the Police Complaints Authority so that complaints made against police officers will be dealt with.

The date on which the previous chairman and vice-chairman of the Authority demitted office, my friend would surely know, being in the Ministry of National Security, and having dealt with the Police Complaints Authority; would surely know that there was no chairman. So I am surprised that you would ask such a question. In any event, the former Authority consisted of five members, from which one was to occupy the position of chairman and one the secretary. There was no position of vice-chairman. The then chairman, Mr. Justice Lionel Jones, was the last chairman of the former Authority and demitted office on February 16, 2008. However, although he was chairman, since the Act was passed in 2006 and spoke about the appointment of a Director and Deputy Director, the Police Complaints Authority was not duly constituted.

Thank you, Mr. President.

Sen. Hinds: Thank you very much, Mr. President, as I direct question No. 54 to the—

Mr. President: Are there any questions upon that question? The time has passed for further questions, unfortunately.

Sen. Hinds: No, I do not have any supplemental for my friend today.

PROCEDURAL MOTION

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, in the circumstances, since we have Ministers from the other place, in accordance with Standing Order 83(1), I beg to move that Standing Order 18(7) be suspended to permit the answering of questions by our hon. Members of the other place who are here.

Question put and agreed to.

ORAL ANSWERS TO QUESTIONS Piarco and Crown Point Airports (Details of Contracts)

- 54. Sen. Fitzgerald Hinds** asked the hon. Minister of Works and Transport:
Could the Minister indicate to this Senate:

- (a) whether contracts for the improved lighting of the runways at the Piarco and Crown Point Airports have been executed;
- (b) if the answer to (a) above is in the affirmative, the name(s) of the contractor(s) and the contract price in each case, as well as the dates of award and/or execution of these contracts;
- (c) the procedure observed in the issuance of these contracts?

The Minister in the Ministry of Works and Transport (Hon. Stacy Roopnarine): [*Desk thumping*] Thank you, Mr. President for the opportunity to respond to question No. 54.

In response to part (a), yes, the contracts for the improved lighting of the runways at the Piarco and Crown Point Airports have been executed.

The response to part (b); the contracts awarded are as follows:

1. The contract for the upgrade of the airfield lighting control and monitoring systems at Crown Point and Piarco International Airports was awarded to United Engineering Services in the sum of TT \$35,402,400.62 plus VAT. The date of the award letter is December 24, 2010.
2. The contract for the upgrade of the approach lighting system at Piarco International Airport was awarded to Harripersad and Sons Limited in the sum of TT \$47,785,768.92 plus VAT. The date of the award letter is December 28, 2010.

In response to part (c), the procedure observed in the issuance of these contracts is the Airports Authority of Trinidad and Tobago policy and procedures for tenders and the award of contracts.

Thank you.

2.30 p.m.

**Current Inflation Rate
(Plans for Reversal of Decline in TT\$)**

56. Sen. Fitzgerald Hinds asked the hon. Minister of Finance:

Could the Minister inform the Senate:

- (a) what is the current inflation rate and indicate the reason(s) for this rate;
- (b) whether the Minister's publicly stated expectation of a 4 per cent economic growth in the current fiscal year is on course and still therefore likely;

- (c) whether the existing currency value and exchange rate of the Trinidad and Tobago dollar is likely to improve or return to the values and rates as at June 01, 2010;
- (d) indicate what action his Ministry has taken, or proposes to take to arrest or reverse any decline in the Trinidad and Tobago dollar?

The Minister of Finance (Hon. Winston Dookeran): Thank you. Mr. President, the latest data revealed that the current headline rate of inflation is 9.4 per cent. This represents a decline from 10.7 per cent as at the end of February of this year. [*Desk thumping*] Food inflation continues to be the major driver of the headline “Inflation Rate”. Food inflation slowed to 21.3 per cent in the 12 months to March 2011, down from 25.1 per cent in the previous month.

Mr. President, the core inflation rate which excludes the impact of food prices is 2.7 per cent for the end of March 2011, lower than the 2.8 per cent registered at the end of February 2011. [*Desk thumping*] Reference was made to economic growth of between 3 and 4 per cent in the 2011 budget statement. This was conditioned upon the possibility of attaining a maximum of \$8 billion in energy investment and above \$3 million in private sector investment.

The expected economic growth rate, upon which the 2011 budget has been based, is therefore 2 per cent. The projection incorporates the price of US \$65 per barrel for oil and US \$2.75 per mmbtu for gas. At the end of the first quarter of this year, the Government has revised its medium term projections up to 2015. The medium term projections maintain a 2 per cent level of growth for 2011 and, incorporates a US \$77.10 per barrel of oil and US \$4.40 per mmbtu natural gas pricing. These are largely consistent with the consultations conducted with the IMF in November 2010.

Since the presentation of the 2011 budget, several major global developments occurred which have impacted the global economic environment. Notably among these are the anticipated political upheavals in the Middle Eastern countries and the recent devastating earthquake and tsunami in Japan.

During the five-month period of October 2010 to February 2011, oil and gas prices have averaged US \$86.61 per barrel and \$4 per mmbtu respectively. Oil prices have therefore been slightly higher and gas prices slightly lower than our internal and IMF projections which were made at the end of the first quarter.

The outlook for oil prices have now been exposed to the downside risks arising from the low level of economic activity in Japan since its disaster, raising renewed concerns over a return to recession in the world’s third largest economy.

These developments, Mr. President, have come in the wake of a global economic recovery. After contracting by 0.6 per cent in 2009, the global economy grew by 5 per cent in 2010 and it is expected to register growth in the vicinity of 4 to 5 per cent in 2011. Additionally, after contracting by 2.4 per cent in 2009, the US economy expanded by 2.9 per cent in 2010 and it is expected to further expand by 3 per cent in 2011.

Given these considerations, the Trinidad and Tobago economic outlook would have improved subsequent to the delivery of the 2011 budget statement and we are therefore of the view that economic growth during fiscal 2011 could exceed 2 per cent.

Mr. President, Trinidad and Tobago liberalized its foreign exchange regime in April 2003, by dismantling the fixed exchange rate system and adopting a floating exchange rate regime. This essentially means that unlike in a fixed exchange rate regime where authorities can adjust the nominal exchange, the price of the Trinidad and Tobago dollar now varies against other currencies to supply and demand conditions in the market. In principle, therefore, when the supply of foreign exchange exceeds the demand, the nominal rate tends to appreciate and vice versa.

The ample supply of foreign exchange holdings, which currently stands at US \$9 billion as at the end of March 2011 and a current account surplus of US \$418 million, augur well for the stability of the nominal exchange rate in Trinidad and Tobago. [*Desk thumping*]

Mr. President, the Central Bank of Trinidad and Tobago is responsible for the management of foreign exchange market in the public interest. The Central Bank cannot and should not predict a particular exchange rate.

Finally, the Ministry of Finance will continue to efficiently and effectively manage the economy by implementing innovative fiscal policies and sound debt management strategies, so that we will not put at risk the stability of the foreign exchange market.

Thank you. [*Desk thumping*]

Sen. Dr. Henry: Supplemental question. Based on what was said in the budget of September 2010, could the Minister clearly state, what are the factors that account for his expectation that growth will be greater than 2 per cent?

Hon. W. Dookeran: Mr. President, as I indicated, the global economic recovery which I made reference to and although we are not quite sure what will

be the final outcome of the price of gas and oil during this fiscal year, we are quite optimistic that those factors will work on an offside risk to the 2 per cent that we had indicated.

Sen. Hinds: Supplemental, hon. Minister. The Governor of the Central Bank recently stated that it appears as though nothing is happening by way of stimulating investment in this economy, and on the basis of that he predicted that if the Government continued in that vein it is likely that we will experience another year of decline. What is your reaction to that based on what you have just said?

Hon. W. Dookeran: Mr. President, I can quote from the Central Bank Press Release on this matter, in which he stated that:

- “•The fiscal stimulus of FY2010 did not materialize as originally envisaged. The fiscal deficit for FY 2010 was 0.2 per cent of GDP.
- The budget FY2011 is designed to provide further fiscal stimulus in the form of an overall fiscal deficit of 5.1 per cent of GDP.
- The preliminary fiscal outturn for the first half of FY2011 showed that, because of lower than expected projected capital spending, the fiscal account recorded a small deficit...”—than had previously been defined in the budget.

As such, what we are facing is the need to accelerate the Public Sector Investment Programme.

May I also indicate, in terms of the fiscal accounts, that we are therefore seeing a stabilizing of the fiscal equation in Trinidad and Tobago, and that the acceleration of the implementation of the Public Sector Investment Programme is now critical for ensuring that the growth rate is achieved. [*Desk thumping*]

Sen. Hinds: Further supplemental, Minister of Finance. This one is specifically for the benefit of the ordinary and the poor man in our society, and that, of course, includes the many women who struggle to look after their families. How then, in light of your very fanciful estimations, do you explain the pain and the expression that things are just not getting and feeling better for the poor man in the society?

Hon. W. Dookeran: I think that is a bit of conjecture at this stage. [*Desk thumping*]

Sen. George: That is right.

Sen. Hinds: Well, I think not because I happen to be among them and I too feel that pain, and having heard—

Mr. President: Sen. Hinds! Sen. Hinds, you were not permitted to start a debate on the question. If you want, you could have another supplemental question. Please proceed with your supplemental.

Sen. Hinds: Yes, I will. But, Mr. President, the Minister described my supplemental question as conjecture. So it fell to me to let him know it was not.

Mr. President: Sen. Hinds! We are not debating the question. You may ask another supplemental question. The Minister has answered the past question.

Sen. Hinds: Supplemental question. You see, the Minister speaks in very technical language and we need to speak—

Mr. President: Sen. Hinds! Sen. Hinds, you will proceed with the supplemental. Thank you.

Sen. Hinds: Minister, since you predicated your budget on \$65 for the price of oil and it has substantially and consistently improved, how then do you estimate growth to be perhaps 2 per cent or better than 2 per cent, because you had indicated—just for clarity—that you were expecting a 4 per cent growth rate this year? You predicated your budget on \$65, it has been considerably more than that, why not the 4 per cent or more?

Sen. Panday: Stabilization Fund.

Hon. W. Dookeran: Mr. President, the questions that were posed to me are very technical questions. [*Desk thumping*] I responded in the technical language that we do. I did not read the questions because you had previously indicated we should not read the questions, but they are there. They were very specific questions about growth rate.

But with respect to your final comment in which you are trying to urge me, Senator, to agree on a higher growth rate, all I can point out is the very Central Bank report of which he made reference had this to say on the question of excess liquidity:

“Following an unprecedented increase in excess liquidity in the banking system to a high of \$3.3 billion in October 2010, excess liquidity fell to around \$1 billion by April 2011.”

Which means more borrowing is taking place for business purposes in Trinidad and Tobago. [*Desk thumping*]

Sen. Hinds: Further supplemental, Mr. President. You did say, hon. Minister, that some of the anticipated foreign investment was not realized. You anticipated those investments even when you pronounced your budget in this Senate—

Mr. President: Sen. Hinds, your question please.

Sen. Hinds: It is a question. It is a question. Indeed it is. In those circumstances, would the Minister explain what has happened between the reading of his budget and now, what explanation he gives for the failure of the anticipated investment?

Hon. W. Dookeran: I will be delighted to engage in a full scale debate with the hon. Senator on the issue of the future of the economy of Trinidad and Tobago and not deal with it in the way in which he is trying to deal with it at this point, and I think he can pose a separate question or a separate motion on this matter for debate. [*Desk thumping*]

Sen. Hinds: This one final supplemental question. Why is the Minister of Finance ducking and running from an important issue such as this?

Hon. Senators: No! No! This is not a question!

Mr. President: I do not see that as a supplemental. Will you go to the next question, Sen. Hinds? [*Desk thumping*]

Sen. Hinds: Much obliged, Mr. President.

2.45 p.m.

**Official Residence at La Fantasie Road, St. Ann's
(Occupation of)**

60. Sen. Fitzgerald Hinds asked the Hon. Prime Minister:

Could the hon. Prime Minister state:

- (a) if she has assumed occupation of the Official Residence at La Fantasie Road, St. Ann's; and
- (b) if the answer to (a) is in the affirmative, on what date?

The Minister of State in the Office of the Prime Minister (Hon. Collin Partap): Mr. President, I will go straight into the answer. I wish to inform the hon. Members of the Senate of the following:

- (a) the hon. Prime Minister has assumed occupation of the official residence at La Fantasie Road, St. Ann's; and
- (b) the hon. Prime Minister assumed occupation of the official residence at La Fantasie Road, St. Ann's, on August 30, 2010.

Sen. Hinds: Thank you very much. Mr. President, I think that is the lot and we will return to that wonderful matter later.

PROCESS FOR CONSTITUTIONAL REFORM

[Third Day]

Order read for resuming adjourned debate on question [February 22, 2011]:

Be it resolved that the process of constitutional reform be pursued through a series of amendments addressing specific areas of concerns;

And be it further resolved that the rationale for, as well as the scheduling and sequencing of each series of proposed amendments to the Constitution, be effectively communicated to the citizens of Trinidad and Tobago prior to the debate in the Parliament. [*Sen. S. Ramkhelawan*]

Question again proposed.

Mr. President: Hon. Senators, the debate on the following Motion, which was in progress when the Senate adjourned on March 22, 2011, will be resumed.

Those who spoke on the last occasions were: on Tuesday, February 22, 2011, the mover of the Motion, Sen. Subhas Ramkhelawan, Sen. Lyndira Oudit, Sen. Helen Drayton, Sen. Rabindra Moonan; and, on Tuesday, March 22, 2011: Sen. Prof. Harold Ramkissoon, Sen. The Hon. David Abdulah, Sen. Dr. Rolph Balgobin. Sen. Moheni was on his legs at the time the debate came to an end on March 22. My records indicate that he was speaking for seven minutes on that occasion and has a further 38 minutes.

Sen. E. Moheni: Thank you very much, Mr. President. I seek to continue from where I had just begun because the question raised by Sen. Ramkhelawan is of critical importance to the People's Partnership Government as well as to our nation.

Constitution reform and its impact on our people is important at this time. I hope that we can look at the whole question of the Constitution in terms of its broadest perspective. While I agree that there is need to move the process forward even by steps, it is important that we recognize that the Constitution of a nation is that framework upon which ordered society is meant to rest and function. I would

like to quote from the *Merriam-Webster Dictionary* which states that a constitution is a body of fundamental principles or established precedence according to which a state or other organization is acknowledged to be governed. In other words, we are talking about the governing of our society.

One of the features, as presented by the People's Partnership Government, is the need for good governance in Trinidad and Tobago. The preamble to our Constitution speaks to the question of the dignity of the human person and the rights of the people; it means, therefore, that we need to be able to so organize, not simply the writing of our Constitution because the Constitution is both written as well as unwritten; it exists in that body of principles as enunciated in the document we call the principle, but even more than that, it involves the principles, policies and attitudes that reflect themselves in the minds and hearts of our people from day to day.

The preamble to the Constitution is quite specific and noble as it states faith in the fundamental human rights and freedoms; the position of the family in a society of free men and free institutions; the dignity of the human person; and the equal and inalienable rights with which all members of the human family are endowed by their creator.

It speaks to the need, as I pointed out, to have that Constitution reflected in the day-to-day lives for the benefit and interest of the citizens of our country. I see, therefore, the strength of the Constitution as being reflected in the extent to which our society can be so ordered and so organized that, from the strongest within our society to the least within our community, our rights, our privileges, our ability to pursue what we all want to pursue in terms of our fullest development can be realized.

Too often we focus on the broad society. Too often we ignore the vulnerable, the weak, the poor, the underprivileged; not because the framers and writers of our Constitution did not include them, because it is here; but because we allow the power of the Executive to override the power of the people.

I would like to quote further that the sovereignty of the people is the founding principle of a democratic society. Yet what safeguards and measures are taken to ensure that the rights and privileges of the individuals, of the citizens, are protected, are not trampled upon by institutions whether the State or otherwise?

So, Mr. President, I am saying that the question of Constitution reform is of critical importance; but more than simply reform of the Constitution, whatever measures are taken have to be taken in keeping with that principle of the

sovereignty of the people, that the power of the people must be supreme. Whatever changes are being made must be done outside of the document called the Constitution and must permeate the institutions of the society in such a way that the rights, privileges and welfare of our citizens could be promoted. In my mind this, in essence, is what we are about.

I would like to move further and quote once more from the preamble where it is said that we have asserted the belief in a democratic society in which all persons may, to the extent of their capacity, play some part in the institutions of national life.

We are talking about a democratic society. We often use the words “democracy” and “democratic society” because it has become globally acceptable, because it has become even desirable; but how often do we reflect on what democracy should really mean?

The first general election in this country was held way back in 1921. At that time, your right to vote would have been based primarily on what property and wealth you had. In other words, those with wealth were given a special privilege in determining who was elected and what direction the country should take in determining how, at a basic and fundamental level, people's lives should be run.

3.00 p.m.

Adult suffrage did not come until 1946. We have to try to understand the direction in which our society was moving. As we reflect historically, we know that adult suffrage did not come without sacrifice; it did not come without struggle. Men like Rienzi and Butler sacrificed. Butler spent the entire World War II in prison. He sacrificed so that the right to vote could be afforded to every individual who had attained a particular age.

The question is, why? We were seeking what we call a “democratic society”, one in which the broadest possible spectrum of our society could have a greater say in determining where our society should go. In other words, no longer would it be a situation as in 1921 where only 6 per cent of the adult population was able to vote. We had moved to a point where the right to vote was now guaranteed for adults. We are talking democracy, but it has been said that for a democratic nation to be so described and endowed, certain other rights and privileges or principles need to exist, one of which is freedom of speech; freedom of debate and freedom of enquiry. In other words, individuals must be able to express their views, their opinions and their desires freely within the society. Freedom of political expression—in other words, one must be free to express their innermost political beliefs, ideals and aspirations without any fear of victimization whatsoever.

Mr. President, it is sad to say that under the past regime, victimization had been the order of the day. I can speak from experiences that I know about and I can also speak from personal experiences. In other words, the question of democracy that we are talking about is oftentimes limited by the actions of the very institutions that were supposed to be given their power through democratic expression. Then we have freedom of the press, meaning the right and privilege to communicate political ideas, as well as other expressions, to the broadest sectors of our society. This, however, in recent times, has been counterbalanced by the need for the media to be open, accountable and diverse. In other words, the media should not be monopolized, should not be clandestine and must be accountable to the population. There must also be freedom of religion and religious expression, and most importantly, equality before the law.

Mr. President, it is quite clear that democracy is more than just an airy-fairy situation. In order for democracy to be healthy, certain principles, certain conditions, must prevail. What we saw in 1946 was a situation where the media was not as developed as it is today. There were very few individuals who would even have had a radio. Television had not come into existence in this country. The print media had a very small circulation. It means, therefore, that the communication of ideas would have been person to person, in public meetings or in other such arrangements. Democracy, therefore, could have started off on a fairly strong footing in that it would have been the ideas exchanged by individuals throughout our society that decisions could have been made.

What we have seen in the years from then to now is a proliferation of the mass media, where today the radio and television are in every home in this country. In other words, in terms of the communication of ideas, in terms of the communication of political or other such institutions, the role of the media is far greater today than it would have been in 1921 or 1946.

The whole question of democracy in terms of its operation therefore, would have undergone some fundamental change. Whereas in 1946 you had a reversal of that situation where all individuals, regardless of their financial or other position, were given that right to vote, you now have a situation where money plays a far greater role than it would have played in 1946. In other words, you have something more of a reversal in terms of the democratic process.

It is now largely dependent on the ability of an individual or political party to purchase media time in order to convey their messages to the broader population. This is why the whole question of the preservation of democracy, the whole

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question of ensuring that the democratic process is strengthened, is going to require that approach through constitutional reform that could give a greater say and greater power to as broad a cross section of the people as possible.

The People's Partnership Government is committed to the strengthening of that process. In other words, we see the people as being supreme in the whole process. I would like to quote from the People's Partnership Manifesto, which has been accepted as Government policy. Under the heading of "Constitutional Reform" on page 16, it says:

"Our Government will table amendments to provide for and/or strengthen provisions for the following,..." which includes mechanisms for a referendum process.

In other words, seeking to empower the population so that they could play a greater role as the true guardians of democracy, which includes mechanisms for a referendum process.

We must recognize, that whether we like it or not, there are going to be competing interests; there are going to be different interests within any society, which are going to seek sectorial or other interests; but in the final analysis, the people must be the final arbiters in determining what is and what is not.

I would like to go further in quoting again from the manifesto where it is stated that the Government of the People's Partnership will be committed to:

"Respect for the voices of minorities, while acknowledging the will of the majority..."

So not discounting the will of the majority, this People's Partnership Government is committed to respecting the voices of the minorities, is committed to paying special attention to those who are greatest in need in terms of the underprivileged and more challenged sectors within our society.

Mr. President, it is quite clear that these measures are more than merely tools to attend to the dissatisfaction within our society, but are intended to give recognition to the rights of our citizens. The People's Partnership Government will also introduce a right of recall for non-performing parliamentary representatives, as well as fixed election dates for national and local elections. We are saying that these measures are necessary for the strengthening of the democratic process and for the strengthening and functioning of our Constitution. This People's Partnership Government is committed to ensuring that these measures will work, so that the rights and quality of life of our citizens can be enhanced.

I have been hearing much talk within this Chamber about the passing of the baton to the People's Partnership Government. This Government is not here,

however, because of the passing of any baton. We are here today because of the failure of the past regime to even complete a five-year term. In other words, there was no passing of any baton. This People's Partnership Government, today, has to take up the slack in the absence of even the handing over of a regime that did not reach or complete their leg.

3.15 p.m.

We have seen where Constitution reform has been on the agenda for quite too long, and I do agree with Sen. Ramkhelawan, that there is need for bringing the population into the process of Constitution reform; bringing the population into the process by ensuring that the other principle of democracy is enhanced, and that is the principle of education, both formal and informal in terms of enlightening and informing our population each step of the way. So that not only would the people be in a position to make the right decisions in an electoral framework but by so enlightening, informing and educating, they would be in a position to be a part of the formulation of policy to be a part in the whole decision-making process.

I would like to go a little further, because the People's Partnership Government is going to pay special attention to the whole question of local government and the transformation of local government. For too long we have seen the emasculation of the power of the local government bodies. If we are talking about bringing the population into the process of government you must take into consideration the strengthening and enhancement of the local government authorities. Again, under the past regime we saw where the excuse of local government reform was used to postpone local government elections on several occasions, [*Desk thumping*] thus denying the population the right to be in charge and in control and a part of that local government process.

So, Mr. President, we are saying that for the Constitution, for the nation to function effectively, democracy must be operational, must be seen to function at all levels from the highest to the lowest, and that local government is critical for bringing the communities into the process of government at a hands-on level where our people in the various communities experience needs, genuine needs, from day to day in areas that the central government would find difficult to respond to.

The People's Partnership Government is very concerned that the process of governance be one that is not only free but also fair, also transparent, and one that could once again win the confidence of the population, and we believe that these measures can go a long way. For instance, the question of fixed election dates, we

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have seen, where, in the past we have had a former Prime Minister making a whole mockery of the question of election dates, talking about having it in his back pocket and his front pocket, making a mockery of the process which is so critical for democracy that we boast so much about. With fixed election dates all concerned will be able to predict, to anticipate when an election will be called and not leave it up to the whims and fancies of one party or one individual, in the case of the previous regime.

It is important as well that the principle that the People's Partnership Government is going to introduce, the principle of recall which is going to empower the people of the country—in other words, no longer are we going to have to sit and wait until a term expires for a representative to demit office or face the polls again. The principle of recall is going to give the population that right which belongs to them, so that when they are not satisfied they can recall an individual, who, in their opinion is not serving their best interest, in other words, empowering the people who are the sovereign and who are the owners of the country, and therefore ought to be the owners of the process.

I would like to refer, once again, to the Preamble of the Constitution. As I said, the ideals promoted are very noble, indeed, and here it speaks to the respect for the principles of social justice, and therefore I believe that the operation of the economic system should result in the material resource of the community being so distributed as to subserve the common good that there should be adequate means of livelihood for all. In other words, not only does the Constitution speak to the principles by which the society should be governed, but it also speaks to the sharing of the wealth of the community in such a way that each and every member of the society can be taken care of. This does not only apply in the economic sphere, it has to apply in terms of the rights and privileges in all other sectors of our society. Whether it be our right to education, health care, housing or any of the other necessities, it also has to apply to that right to that equal treatment before the law, the right to justice.

It means, therefore, that any discussion on the question of Constitution reform has to look at life in Trinidad and Tobago in the most practical terms possible in ensuring that through the various institutions—

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. F. Hinds*]

Question put and agreed to.

Sen. E. Moheni: [*Desk thumping*] [*Crosstalk*] Thank you very much.

Sen. Hinds: That may give him a little life, a little spunk.

Sen. E. Moheni: What we are about, as far as Constitution reform is concerned, is bettering the lives of the citizens of Trinidad and Tobago, making a departure in terms of what would have prevailed in the past and taking a new pathway in the future.

What we are talking about is the introduction of principles of governance and leadership that could so mobilize and harness the human resource of our country that we could put our nation on a new and stronger platform. So that what I am saying is that there is need for Constitution reform, there is need for inculcating the values and the principles of the Constitution [*Desk thumping*] to be infused in the minds and in the spirit of our people, that could give our people the opportunity to enjoy that right and that privilege that was denied them in the past to live their lives.

3.30 p.m.

I have had the privilege of being able to witness the great disadvantages that Tobago has experienced over the years, and we are saying that in the same vein, as I outlined earlier, the rights and privileges of the people of Tobago must be given consideration in any constitutional arrangement, which has to be so designed as to win the confidence of the people of Tobago, which for years has been denied.

In closing, however, I would just like to quote from a book—my own book, as a matter of fact, which will be published soon. [*Desk thumping*] It is entitled: *Leadership and People's Power: Participation as a Process of Liberation*. I quote:

“The manifestation of life is growth, nurture it.

The purpose of life is to create, fulfill it.

The nature of life is change, welcome it.

The beauty of life is to give, appreciate it as a gift from God.

The power of life is to love, cultivate it.

But above all, above everything else, the opportunity, the promise and the fulfillment of life is to serve, embrace it and be a servant of the people in their quest for a New and Just Society.” [*Desk thumping*]

With these principles infused in the population and with a Constitution that addresses the needs, not just of the powerful, but of the smallest and the weakest, our society will progress.

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

Sen. Fitzgerald Hinds: Mr. President, I want to compliment my friend, Sen. Moheni, for that powerful quotation from a book that is soon to be published. [*Desk thumping*] I want similarly to say, quite frankly, it is unfortunate that he did not spend all of his 45 minutes treating with that book. He quoted himself and it reminded me of the calypso by Spoiler “Himself tell himself”. That was good, but as I was thinking about calypso, I remembered Lord Melody, deceased as he is, and he had a song called “Jonah and the bake”. You know, he asked, “Jonah, yuh tief ah bake?” He is singing, and then the chorus says, “One gone”.

Well, I looked across there and I saw an empty seat, a seat that was previously filled by Sen. Mary King, and I now say like Melody, “One gone, one gone” [*Desk thumping*] and that was short of a year. I see Sen. Brig. Sandy looking a little discomforted. I suspect he probably is wondering whether he is next, because the Reshmi scandal is still with us.

At any rate, before I get into those very interesting matters, if you would permit me, I feel compelled for my own sake, to say a very small bit on Mr. Kenneth Cyril Valley, and I say may his soul rest in very perfect peace, and I express condolences to Mrs. Valley and the Valley family—the Valley clan—and all of those who loved him and whom he loved.

I am in politics today because of Mr. Kenneth Cyril Valley. In 1987 I was a young insurance agent. Just like you, Mr. President, I met him in the insurance industry and I was doing quite well, succeeding at the business of selling insurance, and he was the agency manager at that time with Algico, the company with which we worked. And as the local election of that year was approaching, he apparently spoke to now deceased Morris Marshall and told him of a young man, Fitzgerald Hinds, whom he considered would be worthy of being a good candidate in that local election. Indeed, Morris Marshall approached me—

Sen. Panday: That is the only mistake he made.

Sen. F. Hinds: Once Morris Marshall approached me, he, being as passionate and a spokesperson for the masses, including those of Laventille, of course, where I lived, I was inspired by the idea and I kindly consented to be the candidate for the electoral district of Gonzales East, as it then was, as one Glyniss Jackson was demitting office. But it transpired that very shortly after my acceptance of that

invitation I received a letter from the university in London indicating that my application for a place to read law there was successful. I apologized to both Mr. Valley and Mr. Marshall and I told them that I wanted to go to advance my own intellectual base and space so that I could return and lay my bucket down, like Dr. Williams and others who had walked behind this proud symbol, and I assured them that once I returned I should take up the offer if it was still available, and to continue.

Indeed, when I returned to Trinidad and Tobago in 1994, I approached Morris Marshall and I told Mr. Morris Marshall that I was back. We had a nice conversation. It transpired that shortly after that he passed on. And so it was, in 1995 when the general election came a little earlier than anticipated, Mr. Valley again indicated that I should give consideration to representing Laventille East/Morvant. He suggested that I be screened and so on. I accepted a nomination and I was screened. So, really, my tenure in politics had to do with the thoughts of Mr. Ken Valley and to him I am very, very grateful.

I also had the good honour to work with him as his legal advisor in the Ministry of Trade and Industry, which is when I had the opportunity first to meet Sen. Corinne Baptiste-McKnight. I had gone to Washington along with some other representatives of Trinidad and Tobago to negotiate with the United States government, the Bilateral Investment Treaty that was negotiated in that year, and the Intellectual Property Rights Agreement. I met, of course, the then Ambassador and we worked things through.

Mr. Valley was one of a team of very powerful thinkers. When I looked at the PNM front bench in those years and saw the likes of Kenneth Cyril Valley, Gordon Draper, Morris Marshall, Barry Barnes, Dr. Keith Rowley, Ralph Maraj, Augustus Ramrekeringh, I saw a force; I saw power, and these men were deeply committed and they worked very hard, along with Kenneth Cyril Valley, to contribute to the building of Trinidad and Tobago.

Mr. Valley was busy creating investment treaties all over the world, with France, Canada, the United States, creating markets. This is why you have heard the business community complimenting him, because he did so much. He was a very hearty man. He had a healthy appetite as well. We would sit in the tea room—and I could see him now. May his soul rest in peace and my love and my best wishes I extend to Mrs. Valley and his children. Thank God they are on their own legs now, professionals as well, and I suspect that they would and could fend henceforth for themselves.

We pay tribute to Mr. Valley today, but, sadly, nobody paid tribute to the politically deceased Mary King; not a word from the other side. They behaved as though she did not exist. Sen. Bharath just calmly moved up one chair, sitting immediately next to the Attorney General who, as Sen. Bharath knows, is a bit of a—I do not know if this is parliamentary—hatchet man for the Prime Minister, so be careful. But he moved up calmly; not a word from her colleagues, as she, too, is in need of a tribute today. But I trust they must be saying, “The king is dead, long live the king.” But she would live elsewhere. She started out as an Independent Senator. Many wondered whether she was truly independent, because, you know, before you could say, “Jack Robinson”, she was in the Government.

Now, of course, her political career has come to a swift end, inside of one year. It portends, it shows—you know, I saw them walk in the Chamber today, glum, depressed; all looking semi-miserable, because they see the walls of their structure crumbling around them.

What we are dealing with here today is about governance. Sen. Moheni in his contribution said, and I quote: “The media should not be monopolized or politicized”. I agree with him, and I want to say to Sen. Moheni that in an article published in the *Guardian* of Tuesday, April 12, 2011, under the rubric “CNMG bosses tightlipped on alleged political interference”—I want to quote one paragraph from this article that is reporting that members of the staff of CNMG wrote a long document complaining about the behaviour of the chairman, Brian Stone and the CEO, Ken Ali, who they say blatantly refused to answer questions posed by staff during a meeting when they were demanding answers about political interference with CNMG. I quote in direct response to Sen. Moheni. They published the document; I have a copy; I would not trouble you with it now, but I will send you a copy, Mr. President.

“The document highlighted several cases of ‘clear political interference,’ the ‘re-shaping of packages’ and ‘censorship and curtailing news items’.

One of those...the document said, was the recent Reshmi scandal, which was ‘dropped’ from the morning news bulletins.”

So I want Sen. Moheni to look around him and to make an enquiry about one of the most potent examples of political interference in the media, because CNMG is a state-owned entity. It was there when the PNM was in government, and as you heard some time ago I did a few evening stints on that programme, a drive time

talk show, and I have never heard any of the staff complain about any involvement and interference like this. So for the benefit of Sen. Moheni, he needs to take a little stock on that.

3.45 p.m.

Mr. President, as I move forward I want to quote, again, an element of the Constitution of the Republic of Trinidad and Tobago. I had reason to do it recently when we were dealing with the behaviour of the Minister of Housing and the Environment and the HDC, and the way they treated the Minister of Food Production, Land and Marine Affairs who had told the farmers that their lots were secured and nobody would interfere with them, and trying to take his chestnuts out of the fire when a colleague of his ordered an agency to bulldoze the farmers' crops. I quoted Chap. 5, section 74(1) of the Constitution, which reads:

“The executive authority of Trinidad and Tobago shall be vested in the President and, subject to this Constitution, may be exercised by him either directly or through officers subordinate to him.”

And section 75(1) says:

“There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament.”

Mr. President, here in our Constitution is the authority, the explanation, for the existence of the Government and their responsibility for all things in Trinidad and Tobago, in the particular aspects of the ministerial responsibility.

I want to list for you some of the things that manifest themselves as a consequence of a weak Cabinet and poor governance, as we have experienced in Trinidad and Tobago, disappointingly and painfully over the past year. The disappointment and the pain is, of course, exacerbated by the fact that they promised faithfully to the potential voters during the election campaign, that they would do things differently. To use a phrase made popular by Winston Dookeran, Minister of Finance, speaking on behalf of the COP, this would be about, to quote him and them, “new politics”. So people's expectation ran high. People were angry with the PNM for a number of reasons and, of course—[*Interruption*]

Sen. George: Let me hear you.

Sen. Karim: Such as?

Sen. F. Hinds: Yes, people were angry. People listened to them and expected something. The upshot of that as I told you recently, is that Karene Asche who was voted the top performer in the Dimanche Gras calypso competition and won national acclaim for her win as Calypso Monarch, sang a song which rests deeply and dearly in the hearts of all citizens of Trinidad and Tobago, “Be careful of what you ask for, that is what you all will get.” [*Desk thumping*]

My grandmother used to say “When yuh in good house bad house does call yuh”. And when we used to sit under the mango tree in Laventille conversing on a Sunday evening before the days of computer, when we would sit and talk in the communities, old people also used to say “Trouble does come on a horse, but it does leave on a snail”. [*Desk thumping*]

Sen. Panday: We still riding the snail.

Sen. F. Hinds: And as such, based on this very Constitution, we have to live with this for another four years! Oh, Jesus! Poor, Mr. President, it is painful to contemplate. [*Desk thumping*] It is painful. You all are as disappointing as you all are untrustworthy. [*Interruption*]

Sen. George: You too bright!

Sen. Panday: Like Calder Hart!

Sen. F. Hinds: You all are untrustworthy as you are deceptive! [*Desk thumping*] You all are as deceptive as you are dishonest! You all are as incompetent as you all of the above! You are hopeless! [*Interruption*]

Sen. Baptiste-Cornelis: Are you talking about your party?

Sen. F. Hinds: You came to government—[*Interruption*]

Sen. Baptiste-Cornelis: Stop talking about your—[*Interruption*]

Sen. F. Hinds:—you established a Cabinet—they have demonstrated such gross incompetence, I am not even sure if you could succeed in running a “barra” business in Curepe junction. I am not even sure if you could do that. [*Desk thumping*] You thought Government was like “mining” a little corner shop. [*Interruption*]

Sen. Baptiste-Cornelis: You are talking to a mirror.

Sen. F. Hinds: I was so saddened when I saw my friend, Sen. Brig. Sandy, like a cat on a hot tin roof, stepping through and around the Reshmi issue, trying to protect somebody high up in your Cabinet. He found himself splitting hairs between someone being fired and someone being relieved from office and, now is being subject to ridicule in this country. I told him that Cabinet is no place for him, he is a decent man. I told him so. But let me continue with the list before I—I do not want them disturbing me, Mr. President. I want your protection.

Mr. President, let me go through a list just to remind this country of some of the things we have had to deal with. URP workers, poor as they are, hard-working as they are, thousands of them have been fired since they came into office. CEPEP workers, against a promise that we will deal with the contractors but not you, fired. *[Interruption]*

Sen. Beckles-Robinson: And give them better terms and conditions.

Sen. F. Hinds: And give them better terms and conditions. Now in my old constituency and all around this country you cannot even see a URP gang on the road, but they are paying hundreds of gangs each fortnight. Ghost gangs more than ever and, I can truthfully and boastfully stand here today and say, when I was the Member of Parliament for Laventille East/Morvant that was a thing of the past. *[Desk thumping]* We insisted on it. I could say that.

Mr. President, they promised pensioners \$3,000, they were deceptive about that. They told us that the last government owed contractors \$8 billion, they have now revised the figure to \$1.5 billion. Exaggerative, hyperbole and dishonesty!

Sen. Panday: And counting, and counting.

Sen. F. Hinds: They said that Clico payout would be \$7 billion. They have now revised that to \$3 billion and, by the way, the payment is still largely outstanding to the people. Since last year they promised they would resolve it. They said that during their campaign. They criticized the PNM's proposals for settlement and now, "lawyers making plenty money, everything still up in the air." Confusion!

Sen. Panday: "I will give you the amount of money all yuh pay lawyers."

Sen. F. Hinds: Confusion! Confusion! You have made no positive difference to the development or the well-being of Trinidad and Tobago. You all are hopeless. *[Interruption]*

Sen. Panday: Yes, like Christine, her husband and her daughter.

Sen. F. Hinds: Minister Jack Warner said contractors will be paid in bonds, the Minister of Finance say contractors will be paid in cash.

Today—they complained about previous Prime Ministers travelling up and down the world, going here and there on their regular trips. In one short year, the Prime Minister of this country has made 11 or 12 trips abroad—[*Interruption*]

Sen. Karim: You all paid the hotel bill in Miami?

Sen. F. Hinds: And the last one, they disguised figures and said that they paid US \$85,000. Now we are discovering that they paid millions of dollars in addition to that, to replace the aircraft she went down to Brazil on to have a good time.

Sen. Karim: The 12th man has a bill in Miami to pay.

Sen. Panday: Mr. President, Standing Order 36(5). He said that the Prime Minister went to have a good time.

Sen. F. Hinds: All right, I withdraw that. She had a joyous time. [*Desk thumping and laughter*] She had a joyous time; and if you do not like that, she had a rollicking time; and if you do not like that, she had a frolicking time; but she had something. By the way, Mr. President, let me continue. The Minister of Public Utilities, he is the most noisy seagull on that side. [*Desk thumping*] Most noisy, you know. [*Interruption*]

Sen. George: Just like you.

Sen. F. Hinds: But the next item on my agenda—I have a long list of your sins, you know. I have a list of your sins and I have not reached what you did Minister Vasant Bharath yet—is that the Minister of Public Utilities told this Parliament, in the other place, that he appointed his friend, Ganga Singh—[*Interruption*]

Sen. George: Yes!

Sen. F. Hinds:—as an interim CEO of WASA, and that shortly after that they would have a proper recruitment process, advertisement, interviews, but up to now Ganga Singh is still interim. [*Desk thumping*] Still—[*Interruption*]

Sen. George: Looking for Mr. Hamid.

Sen. F. Hinds:—and for an undisclosed monthly sum thus far.

I have a long list of your sins, you know. Over 80 CEPEP contractors—when they came to office they met 120 or thereabout CEPEP contractors. Without increasing the budget, they hired about 80 CEPEP contractors. So if you now have 200 CEPEP contractors for the same budget something has to give, so they have been firing CEPEP contractors left, right and centre. I have a list of about 4,000 people who lost their jobs since you came to office.

Sen. Karim: Like the Caroni workers.

Sen. Baptiste-Cornelis: How did they get their job in the first place?

Sen. Karim: Like the Caroni workers.

Sen. F. Hinds: How did you get yours?

Sen. Baptiste-Cornelis: I know I was asked even—[*Inaudible*]

Sen. F. Hinds: How did you get your job?

Sen. Baptiste-Cornelis: Call the Prime Minister—[*Inaudible*]

Sen. F. Hinds: “Your bread butter with cheese, yuh know.” These are poor people out there suffering. I am not laughing on this, “yuh” know. This is a serious thing. [*Desk thumping and crosstalk*]

Sen. Baptiste-Cornelis: “On a point of clarification, I don’t put butter on my bread.”

Sen. F. Hinds: You see how scandalous the seagulls begin to behave, Mr. President? Imagine, when they came to office they met, I think, about 400 young beautiful, hopeful, citizens of this Republic, largely female, who were working as clerical support officers for principals in the primary schools, because the primary school principals have to administer, they have to teach, they have all kinds of things, they had assistants.

Hon. Senator: Talk about Caroni.

Sen. F. Hinds: Mr. President, these young, innocent, hard-working citizens, hopeful, who would have gone to school, got their CXC passes, their A levels and they had contracts, this vicious Government fired every one of them. They hired the highest paid Commissioner of Police in the Western Hemisphere, a fellow called Mr. Dwayne Gibbs. Coming back to CNMG, Ken Ali, too, was hired as CEO without the board in place and without advertisement. He fired young Fazeer

Process for Constitutional Reform
[SEN. HINDS]

Tuesday, May 10, 2011

Mohammed—political interference!—but as we all know, the old people used to say, “No bad breeze doh blow”. Up to this morning I saw Fazeer Mohammed, beautiful, pleasant professional smiling, doing a bigger and better job in another place with TV6.

You heard the Minister of Finance here today admit that we did not attract the foreign investment we expected, but we had a project up and running. They cancelled the aluminium smelter in La Brea. They cancelled the OPV programme. They cancelled the helicopter programme that was supposed to be part of the OPV programme, to network with it, to respond to protecting our borders—“they mash up that.”

The Prime Minister knows about crime. She has been a victim of crime, and I want the Attorney General and the Minister of National Security to tell us today what has become of the investigation. During the campaign, the Prime Minister told this country that there was a \$5 million hit on her life. They made a song and dance about it during the campaign, and since she came to prime ministership not one word. Now we have to wonder if it was not unnecessary scandal to get attention, to win sympathy and to win votes. [*Interruption*]

Sen. Deyalsingh: She claimed her car was stolen too.

Sen. F. Hinds: She claimed that her niece’s car was stolen. What has become of that investigation? All that has to do—and that is crime, governance.

When we told them the economy was strong and going good, they said, “All that didn’t matter because yuh cyar enjoy wealth if somebody kill yuh.” They used to say that. “Well now, they killing yuh and yuh still doh have no wealth because your economy is stagnant.”

4.00 p.m.

The absence of Sen. King would make no difference. Sen. Prof. Watson could not help you. You just do not even know how to run a corner shop. If I had my way, I would amend the Constitution now. Well, no. I think the Constitution is not the problem; the problem is the Government of the Republic of Trinidad and Tobago.

Of course, we need constitutional reform and on that point I want to say that the Government has indicated that it supports constitutional reform. The Opposition has said so—it appeared in all our manifestos—and both sides are now working their positions, getting ready for a discourse in collaboration with all interest groups in the society as we approach the business of constitutional reform.

And the list of sins goes on and on. It culminated last week with Minister Vasant Bharath, who took lofty positions, promised all kinds of things to farmers and, just like Watson Duke, bowed in melodramatic fashion and walked out of the room and then these wicked people in the Cabinet—and I have just quoted the Cabinet—leaked to the media that he was scolded in the Cabinet, to suggest to us that he was a loser from the start. The Prime Minister, the Minister of Housing and the Environment and the Attorney General had ganged up on him.

Sen. Panday: Mr. President, Standing Order 35(5).

Mr. President: You did refer specifically to Sen. The Hon. Bharath. To that extent, you are not entitled to impute any motives to him.

Sen. F. Hinds: I am obliged, but I stated a fact, you know, because as it now stands, the Minister of Housing and the Environment and the HDC bulldozed crops. The Minister of Food Production, Land and Marine Resources was upset about it. He protested with the farmers in Woodford Square. He said he was not afraid of the consequences, but the Prime Minister flew back into Trinidad from Brazil like a knight—if there is a female version. I understand there is a French word which means the female version of knight. She flew back here like a “knightesse” in shining armour—

Sen. Al-Rawi: Chevalieresse.

Sen. F. Hinds: Chevalieresse. That is why I love the company of this young and bright Sen. Faris Al-Rawi. Did I get the pronunciation right? What about the words “wicked” and “vicious”? Did I get them right? Wicked and vicious they are. They set him up and I told him that on the principle of the same collective responsibility which I quoted only a moment ago in section 75(1) of the Constitution, he would have been of greater value to the farmers if he had “manned” up; if he had stood up to them and said that he would resign. He did not do that.

The Prime Minister lured him into discussions with Minister Moonilal and he and the farmers emerged from the room, shoulders slumped, chins on their chests and they have accepted. The upshot is that, crops were destroyed and we, the taxpayers, have to pay for it. We did not benefit from the lettuces, pineapples, cucumbers, bodi, pumpkin and the sweet peppers, but we, the taxpayers, have to pay for it. If I have to recommend any Constitution amendment today, I would say that that money should come out of the pockets of Sen. The Hon. Bharath, Hon. Dr. Roodal Moonilal and the Prime Minister of Trinidad and Tobago; and, if any is left, the chairman of the HDC.

That is what I would recommend. And Minister Bharath stays in the Cabinet to protect his chestnuts and the matter blows and when they went to see alternative sites for those farmers, they met other squatters and they are now looking to give hundreds of acres to squatting farmers whose lands they bulldozed.

We stood on principle and the principle was that you cannot stand in the Cabinet and criticize it. The Prime Minister agreed because she scolded him; but she did not want to lose him. She wants to preserve her Government to look good in the eyes of the national community. It was not so with Sen. King.

On that matter, Sen. King told us that the Prime Minister was fully aware of all of the issues around that contract to Ixanos. It means excellence. She told us excellently and, I suspect, truthfully, that she personally told the Prime Minister about the issues and that the Prime Minister was familiar with it. The Prime Minister then said, at first blush, that she knew nothing of it.

Sen. Panday: Mr. President, Standing Order 5(1).

Sen. F. Hinds: What is improper about this?

Sen. Panday: You really do not know the Standing Orders.

Mr. President: The question relates to relevance, of course, Sen. Hinds. You have been going somewhat on a frolic. I just ask that you remain within the confines of the Motion that is before this Senate.

Sen. F. Hinds: Mr. President, I can assure you that there is no frolicking here. I am speaking about the Cabinet of Trinidad and Tobago of which the Prime Minister is the head. [*Desk thumping*] So you can laugh your way to the grave. The Prime Minister is the head of the Cabinet and I do not want to waste your time reading it again. Stop disturbing the President! Leave the President out of this!

Mr. President, now that you will remain undisturbed for a while, I was saying that both Sen. King and the Prime Minister cannot be speaking the truth. Somebody has to be speaking—

Sen. Panday: Mr. President, relevance.

Mr. President: You are now attributing certain motives to one or both of them. That you cannot do.

Sen. F. Hinds: I will not do that. I withdraw that. Let me say: if two persons give two different versions on the same issue, logic—and I hope that the Standing

Orders are logical; I suspect they are—demands a conclusion that both persons cannot be speaking the truth.

The Prime Minister told us, as head of the Cabinet, that she passed the document on to the hon. Attorney General so that he would investigate the matter. The Attorney General told us that he was observing very strictly the rules of natural justice and he would not simply act; that Sen. King, as she then was, would have an opportunity to be heard. I hope he heard her cry out and say that the Prime Minister was aware from the very start and that the question is, since the Prime Minister “danced back” a little—and that is a colloquialism—she said she got the documents, but she only got them recently. We all want to know: what does she mean by recently? When did she get them and when did she pass them to the Attorney General?

Mr. President: You have departed from the Motion. Could you bring it back to the confines of the subject matter?

Sen. F. Hinds: Not difficult at all. Let me reread section 35(1) just to remove all doubts. Section 75(1) of the Constitution of the Republic of Trinidad and Tobago—and we are discussing constitutional reform—speaks to the important issue of the establishment and the existence of a Cabinet for Trinidad and Tobago.

It says at subsection (2):

“The Cabinet shall consist of the Prime Minister and such number of other Ministers”—of which Mary King was one and the Attorney General is one—“appointed in accordance with the provisions of section 76, as the Prime Minister may consider appropriate.”

Indeed, it was the Prime Minister who would have told His Excellency The President to, not fire Sen. King, but, to quote Sen. The Hon. Brig Sandy, the Minister of National Security, to relieve her of her duties; just like he was relieved from lieutenant to the rank of sergeant. But he is still here. He was not relieved of his as yet.

We told them, constitutionally, that they ought not to have appointed, as a Minister of Government, a man called Minister, Hon. J. Warner, who they knew held executive office—

Mr. President: You are entitled to refer to a number of actions on the part of a Minister—I have no problem with that—but what you must do, in order to bring

it within the confines of this Motion, is to show how those actions are related to the reformation of the Constitution. You can do that for us.

Sen. F. Hinds: I was about to make a reformation recommendation. I am coming to it, but I must identify the mischief, the problem, and having done that proffer a recommendation for the reformation, to use your very elegant language, Mr. President. *[Interruption]* It is the President's language, I could never put it so elegantly. I expect to see you at the entrance of the hospital counting chips just now. *[Interruption]* When the trouble starts.

We told them that there is a concept known as conflict of interest and Cabinet Members ought to be mindful of this. We told them from the very start, the Leader of the Opposition, Dr. Keith Christopher Rowley, that they ought not to appoint as a Cabinet Minister someone who held executive office in an international organization full time because the work of the Cabinet Minister is also a full-time duty and responsibility to the people of Trinidad and Tobago. This was nothing personal; it was a principle. We shone the light on that particular provision of the Constitution. They did not hear us.

We are in the Parliament today and we live in a highly technological world. As I was entering the Chamber, I received a message on my Blackberry and when I enquired thereat, I saw that the very Minister of whom I spoke was made mention of in the British Parliament earlier today, in the House of Commons, and that one parliamentarian, Lord Triesman, is on record as saying that a Cabinet Minister in Trinidad and Tobago requested inducements. I saw the report; it actually used the word "bribe"—it is all over the world—in the sum of £2.5 million, to build a centre in Longdenville. I then enquired of a former Minister of Community Development—

Sen. Panday: Mr. President, the hon. Senator is misleading this House. Just as he has information, we have information from Mr. Jack Warner that such a thing—I am telling you all that our Cabinet Member has never had any dealings with anyone. I am not afraid to call his name because he has said categorically—you have information; we also have information—that he was never involved in anything and we stand by him.

Sen. Deyalsingh: He also said Mary King was incorruptible.

Sen. F. Hinds: Yes. The very Minister, Jack Warner—he called his name—also said, when the news broke last Sunday in an article in the *Express* newspaper, written by one Camini Maharaj, when she wrote the story that was the first we heard of it.

4.15 p.m.

The Prime Minister had heard of it sometime recently, sometime before. We do not know how long before. She said she passed the documents to the AG; we do not know when. He must tell us when he got them, whether it was in November last year when the contract was issued or whether it was last week. We want to know what the Prime Minister did upon receipt of the information that she has since described as—what is the word she used describe it?—inappropriate. And the first response from Minister Jack Warner was that it could never be true in respect of Sen. King, as she then was, because he described her as incorruptible.

Sen. Panday: With the greatest respect, Mr. Jack Warner was speaking about himself.

Sen. F. Hinds: He described her as incorruptible, a word that has biblical proportions. “Incorruptible”. Man? The *Bible* speaks of throwing off the corruptible and assuming the incorruptible when you go to heaven, and he described her as such. This morning I heard him, in typical UNC “two-tongue”, saying that the “ting is bad” and he has to wait for the outcome. But while he was waiting for the outcome, another Member of the Cabinet was telling the country yesterday in a press conference that his Cabinet colleague—I think he made history. I studied British Constitution as part of my master’s degree. I studied the British Constitution. I have studied the doctrine of collective responsibility; you must. I have never heard in all the examples—the Christine Keeler issue in 1963, right down the road—one Cabinet Minister come out in criticism of another like that. The Minister of Sport and Youth Affairs would have made history. But everything is possible with that group over there that passes as a Cabinet. Vicious, you know.

The Minister of Health is telling MPATT, “I am not giving you a report.” Her Cabinet colleague, Minister Mc Leod, is saying, “They deserve to have it and they should have it.” [*Interruption*]

Sen. Baptiste-Cornelis: Point of clarification. When you decide to quote a Minister, my colleague, I have to state it categorically—[*Interruption*]

Sen. F. Hinds: I do not wish for clarification. I do not need clarification. I understand it “good”.

Mr. President: Sen. Hinds is entitled to continue, unless he gives way upon your seeking to clarify.

Sen. Baptiste-Cornelis: He does not have manners anyway.

Sen. F. Hinds: You understand, Mr. President; I do not need clarification. I understand it “good”. While you were saying MPATT should not have it, Minister McLeod was telling them that they should have it.

Sen. Baptiste-Cornelis: He said that if it was a labour report they should have it.

Sen. F. Hinds: You can dress it up how you like; you could put it in yellow. As my friend, Sen. Al-Rawi, told you last week, we know the new symbol of the UNC is a yellow backhoe. “All yuh bulldozing everybody; all yuh bulldozing everything.” [*Desk thumping*]

Sen. Panday: Including the PNM!

Sen. F. Hinds: Lord Triesman told us—and I enquired as I told you. What was the cost of the most expensive community centre built in Trinidad and Tobago? It roughly goes at about \$8 million. But £2.5 million converted at 11 to one is something in the region of TT \$27.5 million, roughly. So if you took \$227 million from someone to build a centre in Longdenville, assuming you spent twice the cost of the best we could build in Trinidad and Tobago, assuming you spent \$20 million on a centre in Longdenville, what was to become of the difference, the balance? These are some of the questions that Government has to answer.

Sen. Panday: We have answered it now!

Sen. F. Hinds: We told them that by holding that office there was a grave potential for conflicts of interest. We have to declare gifts that we get to the Integrity Commission in our declarations of income and assets and registrable interests. Gifts we have to declare, and we know FIFA executives do not get a salary, they only get gifts and allowances. [*Interruption*]

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. P. Beckles-Robinson*]

Question put and agreed to.

Sen. F. Hinds: Thank you very warmly, Mr. President, as we discuss constitutional reform, the Cabinet and Government in the Republic of Trinidad and Tobago. [*Interruption*]

Sen. Oudit: Senator, would you give way? Would you allow me a brief moment for clarification?

Sen. F. Hinds: I just have a few minutes left. You will have your full time; I am so sorry.

Sen. Oudit: No, I spoke on this Motion already. I just wanted to make a point.

Sen. F. Hinds: You can brief one of your colleagues for when they respond to me. I am so sorry. I just have a few more moments. I am so sorry. You know we have a good, warm relationship, but time is short.

Sen. Baptiste-Cornelis: Had.

Sen. F. Hinds: We still do, hon. Minister of Health. You are becoming discombobulated. [*Laughter*]

Mr. President, we have serious problems of governance. All the state boards in this country have not yet been appointed, one year later. The state boards play a pivotal role in the governance of the country. Sometimes there are boards that are responsible for larger expenditure than a whole ministry, at least the ministry, per se. They still have not. But they have appointed persons left, right and centre without board approval and so on, you know, Mr. President. We have serious problems.

Look, for example, National Petroleum. You see big trucks driving around the highway transporting—hauling as they call it in the industry—gas and diesel, these big silver trucks with the red, white and black “NP”. There is a contract right now being awarded. The board already took the decision. I suspect by now the letter of award would have gone to a particular friend of the Government.

They are replacing the contractor who has been doing it for 10 years. The contractor who has been there for 10 years remains the lowest bidder. But I understand there are instructions from high up in the Cabinet, which we are discussing—direct involvement and instruction; “I eh calling no name”—that the existing contractor be removed. It is so bad that NP has asked the existing contractor—because they need 20 trucks to do the work. Let me explain this to you. Each truck earns \$20,000 a month doing that work. The board at NP—or the powers that be at NP, asked the existing contractor to hold on and operate with them until the contractor, who they would be putting in place, gets his 20 trucks imported into Trinidad and Tobago to begin to operate. That tells you he is not even in the business. I am told he is a garbage collector.

So some very horrible things are happening at the hands of that Cabinet, who promised that they would do things differently. I assure you, Mr. President, I have not said all that I could say on that matter, but more will be said. All I would tell you is that recently I filed a question in this Parliament for a Cabinet Member to answer, and they dodged the question. The question was whether the Prime Minister of this country had occupied any residence, other than the official residence in St. Ann's, at the expense of the State, at Pasea Road in Tunapuna. I asked that because I wanted to know who that house owner was. *[Interruption]*

Sen. Panday: Mr. President, Standing Order 35(3).

Mr. President: Senator, you are not entitled to have reconsidered any specific question or to attempt to revive debate on it. Therefore, I have to rule that out of order.

Sen. F. Hinds: I thank you, Mr. President. In any event, it was not answered as yet, but we will come to it.

I have about five more minutes. After one year of the Cabinet and the Government that we happen to have in Trinidad and Tobago, let me quote the *Daily Express* that in an editorial sought to assess their performance over the year. This was published on Tuesday, February 15, 2011. The editorial says in part:

“The prefix ‘mis-’ has attached itself to general characterisations of the administration’s actions and statements—as in ‘misstep’ and ‘misspeak’ and ‘mistake’. Prime Minister Kamla Persad-Bissessar herself claimed the grossly questionable Reshmi Usha Ramnarine SSA/SIA appointment to have been a ‘misstep’.”

In the last paragraph of the article it says:

“The most telling message, however, is that substantial proportions (38 per cent and 43 per cent, respectively) of respondents grade both the Prime Minister and the Partnership as ‘fair’, which can be considered neither decisively good nor clearly bad. In this lies no ground for complacency, but every reason to reduce the missteps, mistakes, and misspeakings—and ‘bushfires’—that cumulatively build up public dissatisfaction and irritation. More opinion polls obviously need to be taken more regularly. That’s the only way of knowing to what extent, as Macbeth’s witches said, ‘Fair is foul and foul is fair.’”

I think that really is a wonderful assessment of the Government’s poor performance.

As I say “poor”, I look at the symbol “PP” and I have heard very unkind words used to describe what “PP” means. Some of them, of course, will never ooze from these lips nor, indeed, in this place because they may be unparliamentary. But as I heard of PP and I read this, I thought of poor performance. [*Desk thumping*] Dishonesty, deception and a lot of—I think this *Express* editorial has one little troubled difficulty with it, it assumes that some of the things that have happened are mistakes, but they were deliberate; deliberate.

This Government is a danger to the people of Trinidad and Tobago. They are a disappointment to the people of this country, and I know that we need constitutional reform. We in the PNM have just put together a committee, led by former Speaker, an outstanding attorney-at-law, Barendra Sinanan, to formulate our party’s positions in respect of constitutional reform. We will be ready when the Government makes its proposals as Government, for constitutional reform. We will discuss the matter. We will work it through in this House and outside.

Sen. Panday: What about this? [*Sen. Panday displays document*]

Sen. F. Hinds: We expect there will be consultation with the national community. We subscribe to that; we will be part of that. [*Interruption*]

Sen. Panday: What happen to this?

Sen. F. Hinds: I conclude by saying, whilst today it is clear that the Constitution of this country needs reformation, whilst it is true that we have not run a perfect ship as a nation, from 1962 to now—Trinidad and Tobago may never achieve the greatest of the United States, Germany, Japan, the United Kingdom, but we have the potential to be far better. Today you are the managers of this country. You form the Cabinet. You have responsibility under the Constitution. [*Sen. Hinds displays document*] I urge you, please, not for our interest, but for the benefit of people of Trinidad and Tobago, that after one year with such poor and tragic consequences and performance, you settle down and stop fighting over the spoils of office. That is one of the reasons the boards took so long.

I heard the Minister of Sport and Youth Affairs describing former Minister King as a “COP Minister”, as opposed to a “PP Minister”. So while they pretend PP is one big brand, it really is a mishmash of people who came together with grouses, whether it was environmental, whether it was about the economy, whether it was about politics simpliciter, it was a bunch of people who had grouses—

Sen. Ramlogan: The country had a grouse with the PNM!

Sen. F. Hinds:—a mishmash with no shared philosophy other than to remove the PNM—[*Interruption*]

Sen. Baptiste-Cornelis: Best philosophy ever!

Sen. F. Hinds:—that explains why your performance has been so poor. On that basis, I concur with the sentiments in the *Express* editorial, as indeed I concurred with Camini Marajh's insightful article last Sunday, which has led to reminding me of Melody's song, "One gone, one gone". I know, if I may add to the song, "many more to go".

Mr. President, as we conclude, I know we need constitutional reform, but for the time being I will be quite happy if you would reform the whole Government, by seeing the back of them and return Trinidad and Tobago to sanity and stability.

I thank you.

4.30 p.m.

ADJOURNMENT

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, May 17, 2011 at 10.30 a.m.; at which time we hope to continue with Bill No. 1—

Sen. Hinds: "Yuh eh tell me nothing, just so you decide on 10.30 a.m." You have to consult!

Sen. The Hon. S. Panday: You want 1.30 p.m.?

Sen. Hinds: We have PA(E)C on that morning. Something is wrong—

Sen. The Hon. S. Panday: Okay, 1.30 p.m. [*Interruption*] On that day we would—

Sen. Hinds: Just so? Just so?

Sen. The Hon. S. Panday: Okay, okay, no problem. [*Interruption*] On that day we would probably do the Trafficking in Persons Bill, Data Protection Bill and Bill No. 5.

If we start at 1.30 p.m., we want to put the Senate on notice that we may sit twice during the week because we only have four public Members' Day before the session is prorogued, and in those circumstances we may have to sit two days per week in order to complete those three pieces or probably four pieces of legislation.

Adjournment

Tuesday, May 10, 2011

Sen. Deyalsingh: Mr. President, if you would permit me? Sen. The Hon. Subhas Panday could clarify, I believe at the end of last Tuesday's sitting he may have indicated, and I am subject to correction, that there would be two back-to-back Tuesdays of Private Members' Day, [*Interruption*] because many Tuesdays dedicated to private members business have already been conceded and I think, if he could correct me, he did indicate that there would be two back-to-back Tuesdays. Is it now that that position has been changed without any consultation? I thank you, Mr. President. [*Desk thumping*]

Sen. The Hon. S. Panday: Thank you very much, Senator. Could you kindly speak to your leader? [*Crosstalk*]

Sen. Ramkhelawan: Mr. President, if we could get some clarification from the hon. Senator, I want to add my voice that Private Members' Day was conceded last month on an undertaking that there would be two Private Members' Days. I do not recall whether there would be two consecutive Private Members' Days, but I believe we need to have two, and since we are coming to the end of the session, according to the Leader of Government Business, I would like him, through you, to clarify when would be the next Private Members' Day.

Sen. The Hon. S. Panday: I thank you very much, and you must remember it is not two Private Members' Days we took in that order. There are five Tuesdays in this month and two—on the last Friday will be that, and if there is any other we would probably do it a day in June.

Sen. Hinds: What Friday you are talking about?

Sen. Beckles-Robinson: Tuesday.

Sen. The Hon. S. Panday: A Tuesday in June.

Sen. Hinds: Like you all did not take your green tablets today?

Sen. The Hon. S. Panday: No, it is "pommecythere" we eat. [*Crosstalk*] The 3rd has gone, the 10th has gone, 17th, 24th and 31st; so the 17th and 24th—one, two, three, four, five; five Tuesdays in May. [*Interruption*] Oh, fourth.

Okay, so in those circumstances if Private Members' Day is on the fourth, well then the 17th we would do the Bills which I have mentioned and maybe we would sit between the 17th and the 24th to complete those Bills, because we want to complete all the Bills before June 17th. On June 17th, we only have two— [*Interruption*] hold a minute, hold a minute.

Adjournment

Tuesday, May 10, 2011

Sen. Hinds: Are you taking into account that we have PA(E)C next week Tuesday of which you are a Member?

Sen. The Hon. S. Panday: Yes, that is why we say on the 17th we start at 1.30 p.m. and if—you say the 24th, is the fourth Tuesday is Private Members' Day, well, okay, have Private Members' Day. However, between the 17th and—

Sen. Hinds: We are entitled; you are not giving us. We are entitled to that!

Sen. The Hon. S. Panday: No, no, no. You do not have to behave like that. I expect better than that from you. [*Interruption*] If, however, we have not completed those Bills, we may sit between the 17th and the 24th in order to complete the Bills, because we have three or four pieces of legislation to complete before June 17th.

Sen. Hinds: Which one?

Sen. The Hon. S. Panday: Pardon?

Sen. Hinds: Which are the four pieces?

Sen. Baptiste-Cornelis: From the agenda.

Sen. Hinds: [*Inaudible*]

Sen. The Hon. S. Panday: Yes, I will teach you something about that later on. Bill No. 5 on the Order Paper, Bill No. 3—sorry, Bill No. 2; Bill No. 1. Bill No. 5; Bill No. 2; Bill No. 1, and maybe, there is another Bill which may come from the other place. There might be another Bill coming from the other place, so that is it.

Mr. President: Hon. Senators, the question is that this Senate be adjourned to Tuesday, May 17, 2011 at 1.30 p.m.

Sen. Deyalsingh: Mr. President, sorry—

Mr. President: The question of the debate as to other matters outside of that, perhaps could take place behind the Chair.

Hon. Senator: Yes, yes. [*Desk thumping*] Thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.37p.m.