

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
IN THE FOURTH SESSION OF THE TENTH PARLIAMENT
OF THE REPUBLIC OF TRINIDAD AND TOBAGO WHICH OPENED ON AUGUST 02,
2013**

SESSION 2013-2014

VOLUME 1

SENATE

Friday, August 02, 2013

1.30 P.M.

The Senate having assembled, and it being the first meeting of the Fourth Session of the Tenth Parliament of the Republic of Trinidad and Tobago, the Clerk of the Senate read the following Proclamation:

REPUBLIC OF TRINIDAD AND TOBAGO

No. 5 of 2013.

[L.S.]

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, S.C., President and Commander-
in-Chief of the Republic of Trinidad and
Tobago

ANTHONY T. A. CARMONA
President

A PROCLAMATION

WHEREAS it is provided by subsection (1) of section 67 of the Constitution of the Republic of Trinidad and Tobago, that each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the President may by Proclamation appoint:

Now, therefore, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, do hereby appoint Tower D, Port-of-Spain International Waterfront Centre, 1A, Wrightson Road, Port-of-Spain, Trinidad as the place at which the Fourth Session of the Tenth Parliament of the Republic of Trinidad and Tobago shall be held and 1.30 p.m. on Friday the 2nd day of August, 2013, as the time at which the said Session shall commence.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago, at the Office of the President, St.
Ann's, this 28th day of June, 2013.

Vacant Seats

Friday, August 02, 2013

PRAYERS

[MR. PRESIDENT *in the Chair*]

VACANT SEATS

Mr. President: Hon. Senators, I have received correspondence from His Excellency the President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., SC.
President.

TO: PROFESSOR HAROLD RAMKISSOON

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, PROFESSOR HAROLD RAMKISSOON, to be vacant, with immediate effect.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann’s, this 1st day of August, 2013.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., SC.
President.

Vacant Seats

Friday, August 02, 2013

TO: DR. JAMES KENNETH ARMSTRONG

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, JAMES KENNETH ARMSTRONG, to be vacant, with immediate effect.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 1st day of August, 2013.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., SC.
President.

TO: MRS. CORINNE AVERILLE BAPTISTE-MCKNIGHT

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, CORINNE AVERILLE BAPTISTE-MCKNIGHT, to be vacant, with immediate effect.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 1st day of August, 2013.”

Vacant Seats
[MR. PRESIDENT]

Friday, August 02, 2013

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., S.C.
President.

TO: DR. LENNOX BERNARD

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in him, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, LENNOX BERNARD, to be vacant, with immediate effect.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann’s, this 1st day of August, 2013.”

SENATORS’ APPOINTMENT

Mr. President: A further correspondence from His Excellency:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, O.R.T.T., S.C., President and
Commander-in-Chief of the Armed Forces of
the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., SC.
President.

Senators' Appointment

Friday, August 02, 2013

TO: MR. ANTHONY VIEIRA

In exercise of the power vested in me by paragraph (c) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, do hereby appoint you, ANTHONY VIEIRA, a Senator, with effect from 2nd August, 2013.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of August, 2013."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., SC.
President.

TO: MR. DAVID SMALL

In exercise of the power vested in me by paragraph (c) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, do hereby appoint you, DAVID SMALL, a Senator, with effect from 2nd August, 2013.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of August, 2013."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., SC.
President.

Senators' Appointment
[MR. PRESIDENT]

Friday, August 02, 2013

TO: DR. DHANAYSHAR MAHABIR

In exercise of the power vested in me by paragraph (c) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, do hereby appoint you, DHANAYSHAR MAHABIR, a Senator, with effect from 2nd August, 2013.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of August, 2013."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago

ANTHONY T. A. CARMONA, O.R.T.T., SC.
President.

TO: MR. HUGH RUSSELL IAN ROACH

In exercise of the power vested in me by paragraph (c) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, do hereby appoint you, HUGH RUSSELL IAN ROACH, a Senator, with effect from 2nd August, 2013.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 2nd day of August, 2013.

OATH OF ALLEGIANCE

Senators Anthony Vieira, David Small, Dhanayshar Mahabir and Hugh Russell Ian Roach, took and subscribed the Oath of Allegiance as required by law.

Announcement by the President

Friday, August 02, 2013

ANNOUNCEMENT BY THE PRESIDENT

Mr. President: Hon. Senators, His Excellency the President of the Republic of Trinidad and Tobago desires to address all Members of Parliament assembled together. This sitting is now suspended.

1.44 p.m.: *Sitting suspended.*

PRESIDENT'S ADDRESS

Hon. Prime Minister, hon. Chief Justice, President of the Senate, Speaker of the House of Representatives, hon. Leader of the Opposition, other Members of the Upper and Lower Houses of Parliament, with a warm welcome to the four newly appointed Senators and the Member for Chaguanas West, specially invited guests, representatives of the media, other distinguished ladies and gentlemen, good afternoon to you all.

The ceremonial opening of the Fourth Session of the Tenth Parliament of the Republic of Trinidad and Tobago affords me, as head of Parliament, the opportunity to share with you, hon. Members, issues vital in realizing the vision of good governance to which we must all aspire.

As a parliamentary democracy, the Parliament is the vehicle by which we, the citizens, govern ourselves, through both elected and unelected representatives. It is in this vein that I wish to draw attention to the importance of effective cooperation and the interdependence of the various arms of Parliament—the President, the Senate and the House of Representatives.

*Hon. Members of Parliament, ladies and gentlemen, it has been suggested that given the power exercised by the Prime Minister and the Cabinet in the Westminster model, a more accurate, contemporary description of parliamentary government might well be Cabinet or prime-ministerial government. And yet the philosophy that informs the Westminster model of government, and which has provided the basis for our political institutions and norms, reflects the premise, according to Gerald Schmitz, 1998, in his book, *the Opposition in a Parliamentary System*:*

“A delicate balance must be maintained between permitting elected governments to govern and legislate effectively, and ensuring that power is exercised with care and with respect for minorities and for dissenting views.”

The term “delicate balance” is significant. My predecessor, President George Maxwell Richards, has highlighted the fact that the Government is accountable to

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the Parliament and that, and I quote, "oversight of the Government on behalf of the public is Parliament's role and not only a role only for the Opposition."

Now, it is the proper business and duty of an Opposition to persuade the people that the approaches and policies that it advocates constitute an improvement on what is being proposed by the Government of the day. But by devoting the required time and care to scrutinizing legislation and policies proposed by the Government, and by offering constructive informed criticism, not only the Opposition but all parliamentarians may be expected to cooperate in holding the Government accountable, obliging it to defend and justify its policies and administrative decisions, and to reconsider, even amend, proposals so that they are more in keeping with what may be perceived as the general good.

Timely receipt of policy documents and draft Bills is an imperative to facilitate both scrutiny and the counterproposals of all parliamentarians. As the engine room for national political debate, Parliament then must be about the people's business, not the party's business. In other words, as leaders and lawmakers, parliamentarians of differing political persuasions are still expected to cooperate on matters that promote the development, security and uplifting of the society. Once a delicate balance is struck, all parliamentarians may seem to be cooperating, even collaborating, to ensure that Bills passed are in the wider public interest.

Indeed, I can think immediately of two areas in which such collaboration might be considered both feasible and timely. I refer first to the Caribbean Court of Justice, which is located in the heart of Port of Spain. We currently have legislation that gives jurisdiction to the International Criminal Court, to the ad hoc International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, yet we have none that recognizes the final appellate jurisdiction of the CCJ in all areas of litigation.

Let there be a vote of conscience by secret ballot on whether it becomes the final court of appeal, or, if as parliamentarians, you lack the confidence—

Miss Mc Donald: *Um-hmm.*

His Excellency The President:—*to make that change, place it before the electorate by way of public referendum on the ballot paper.*

The upcoming local government election in two months' time affords an ideal opportunity for doing this. We must no longer pussyfoot on this matter.

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The second issue, election campaign financing, is a veritable juggernaut that results in financiers arrogating political power unto themselves, and thereby undermining the system of governance and democracy as we know it. Curiously, without exception, when political parties are in Opposition they call for transparency in campaign financing, yet, when in the seat of power, they conveniently neglect to address the issue.

Miss Mc Donald: *Hmm!*

His Excellency The President: *Madam, we must get really serious about this. It applies to all and sundry.*

The time has come that we must bite the bullet of campaign financing reform and introduce appropriate measures for disclosure, reporting and enforcement laws to ensure transparency and accountability in the management of the country's electoral system. This will certainly build citizens' confidence and enhance our system of democratic governance. The need for legislation creating, for example—that has obtained in Jamaica for the last 10/15 years—a Contractor General to address the issue of tendering procedures must be considered.

Additionally, for many years, many, many years, there have been allegations of profligate enrichment of person by persons in authority. There have been complaints and observations for just as many years that the asset base of politicians is inconsistent with their income and tax returns and there has been a hue and cry for the intervention of the Integrity Commission or the Fraud Squad. Why are we taking such a route when we can wake up that sleeping giant called the Board of Inland Revenue? Rise from your slumber. Do what you are empowered to do. The empire of Mafia boss Al Capone was destroyed by his conviction of the crime of tax evasion.

Only yesterday, Silvio Berlusconi, the former Prime Minister of Italy, was convicted of tax evasion by the highest court of his land. Ever since I worked at the Office of the Director of Public Prosecutions, this has been my clarion call to persons in authority throughout Trinidad and Tobago. The rejoinder from those in authority at national fora was a jaundiced eye in my direction and a deafening silence.

Crime continues to be scourge of our society. If ever there was a time to cooperate and engage in realistic bipartisan methods, the time is now. For far too long we have addressed the issue of crime with a focus on containment and not from a more holistic perspective. Legislation in the Parliament appears to deal figuratively with the bolted horse and not the horse in the stable. For instance, laws addressing parental responsibility must be considered to ensure that the child or the juvenile does not become a criminal because of the recalcitrant parent.

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[HIS EXCELLENCY ANTHONY T.A. CARMONA SC]

Ladies and gentlemen, as I end this appeal for cooperation, I would also add that while meetings between the President and the Prime Minister may be regarded by some as a mere exercise in the formal reporting, they do provide an opportunity for the Government to hear the views of the non-aligned in the decision-making process and I dare say this has been a successful exercise.

I wish to turn my attention to the timing of presentations and the influence it exercises on the content of the parliamentary debates. What advantage is there in having issues debated at two and three o'clock in the morning? [Applause] How does this compare with the disadvantage of a severely reduced complement of representatives, coupled with the obvious exhaustion of those who have managed or who have been obliged to stay the course? Does this really augur well for the quality of parliamentary contributions?

Should major decisions in this, the highest lawmaking body in the land, be made when decision-makers are often barely awake? Would it not be preferable to start parliamentary sessions earlier? It is highly unproductive to begin sessions at 1.30 p.m. subject to the vagaries of a heavy lunch and oppressive humidity. [Laughter] And I do hope that you all, all of you clap on this suggestion. As the head of Parliament, I strongly suggest that Parliament begin at 8.00 a.m., as we all do in this country, to deal more efficiently and effectively with the nation's business. [Applause]

The earlier practice of having parliamentarians not read from a written, prepared speech was intended to encourage them to respond to issues raised, rather than repeat at length arguments already explored or reintroduce points upon which there is already clear agreement. Debating is a skill. I must inform sometimes the uninformed. It is a skill that must be developed. It is indeed a sore diversion to observe parliamentarians reading speeches. It can lead to a lack of reasoned arguments and needless regurgitation. Perhaps in this regard we need to employ mediation and alternative dispute resolution techniques to arrest this problem.

Moreover, while the prepared speeches of MPs might score political points, they do not enable the listening public to scrutinize and to develop a critical understanding of national issues and how various pieces of legislation might affect them immediately and in the longer term.

We are reminded also, that as trustees of the nation's patrimony and resources, Government's role is one of steward and not benefactor. The elected Government of the day is not a benefactor of the nation's riches but rather a

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facilitator of its distribution. The Government of the day should ensure that the nation's resources are evenly and fairly distributed, not based on how one chooses to cast one's vote.

Miss Mc Donald: Hmm.

His Excellency The President: *It makes a mockery of a democracy if the exercise of my civic right attracts punishment, verbal flagellation and marginalization. Regrettably, this has been the modus of successive Governments. [Applause]*

In keeping with this, I posed the same question in my address to the Tobago House of Assembly on April 26, this year, and I quote:

"How often, as leaders, we see the need to protect the voiceless, the marginalized and the dispossessed among us and we see this strictly in terms of class and other social structures, conveniently forgetting that it equally applies in the arena of politics? Remember, where there is no representation, voices can be silenced.

Mohandas Gandhi once said 'I understand democracy as something that gives the weak the same chance as the strong'.

Dear Assemblymen and women, you have the responsibility to ensure that no one in Tobago, or Trinidad, suffers from the vagaries of what I will 'term majority politics'."

Madam Prime Minister, Mr. Senate President, Mr. Speaker, hon. Members all, I bring to my office the conviction that the Parliament must be an engine for positive change and today, when the concept of civility seems to be everywhere under threat, the issue of dignity and decorum in parliamentary conduct is a matter of grave importance. This must not be lost on parliamentarians.

Paragraph seven of the Resolution 19/03/2012 of the Council of Europe includes this interesting statement, and I quote:

"Members' conduct is first and foremost a matter of personal belief and conviction, however, their behaviour has to meet the expectations of those who placed their confidence in an elected representative...the declared commitment to abide by the code of conduct depends from the outset on Members' willingness to comply with it in good faith."

Every hon. Member present today has taken the oath to bear true faith and allegiance to Trinidad and Tobago and to conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago. It is time to consider whether we are in contravention of the oath that we have taken, whether we have fallen short.

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[HIS EXCELLENCY ANTHONY T.A. CARMONA SC]

Is our greatest allegiance to our country or are there competing allegiances? Can we say that we are discharging our duties in a manner that is scrupulous, painstaking, principled and governed by conscience? If we cannot, my fellow parliamentarians, then we have not done as we have sworn to do. We are in breach of our contract with the citizens of the nation. What our nation needs at this time is a return to honour.

The challenge we have faced for many, many years is a lack of personal credibility in our leaders and those in authority in every sphere, and where the leaders go, the nation follows. The question has been asked: what is left when honour is lost?

Miss Mc Donald: *Um-hmm.*

His Excellency The President: *Ladies and gentlemen, honour cannot be legislated. Honour does not only involve distinguishing between right and wrong. Honour demands that we eschew the very perception of wrongdoing and impropriety. A university education does not make one honourable. Wealth does not make one honourable. High rank or position does not make one honourable. Ladies and gentlemen, to be honourable requires that one commit to always doing the right thing because it is the right thing to do, regardless of the consequences and ignoring the potential rewards of doing otherwise.*

It is honour in leadership that will inspire confidence in our people and result in the stability of our nation. Our nation is depending on honourable leaders in Parliament to demonstrate the understanding that they are called both to lead and to serve, and it is in faithful and conscientious service that honour lies. Leadership must be inspired and inspiring and, parliamentarians, you sometimes fall short in the conduct you display in and out of Parliament. And this brings me to another aspect of parliamentary conduct.

I am no stranger to, fatigue, and no one enjoys well-placed “picong” as much as I do, having been, of course, a former calypsonian, [Laughter] but the rule that says Members participating in debate must address the Speaker is one way of discouraging direct-heated exchanges and forestalling the introduction of offensive, insulting, provocative or threatening language. The impulse to engage in theatrics may well prove irresistible when one is in sight of television cameras.

However—[Interruption]—Ma'am, I am speaking about conduct—indulging in forms of communication that denigrate and degrade not only compromise the substance of a debate, but, more importantly, it signals to the larger public, and especially to our impressionable children, that crass behaviour and disrespect are acceptable modes of conduct and communication. Wherever we find ourselves, our conduct should reflect the gravity of the responsibility entrusted to us.

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Today in our nation, there is a tendency to ignore or to downplay the respect that accrues to public offices. The person in the seat of the Opposition Leader, according to the Westminster form of Government, is a Prime Minister in waiting. The Prime Minister of the day is the Prime Minister and ought to be addressed like this. The President of the Senate is the President of the Senate. The Speaker of the House is the Speaker of the House. But while it is the responsibility of a mature public to respect the offices of the land, it is also the responsibility of the officeholders to earn the respect by their conduct while in office.

Four and a half months ago, on assuming the presidency, I swore to preserve and defend the Constitution and the law and to devote myself to the service and well-being of the people of Trinidad and Tobago. There are elements of the preamble in our Constitution that have resonated with me and which have encouraged me, in addition to my constitutional duties, to embark on various initiatives aimed at helping to preserve, in particular, the spirit of our Constitution.

One of these is the involvement of students as witnesses to important ceremonies and high-profile visits, as a means of bringing them into close contact with leaders both local and foreign. "Lunch with the President" initiative, for example, allows the nation's children the opportunity to engage with the presidency in a personal way, drawing them into the governance process, and encouraging them to participate in the future development of Trinidad and Tobago by affirming their special value to the nation.

For the same reason, I want to commend the outreach programme of the Parliament which includes school visits by the Senate President and Speaker of the House and tours of the Parliament. For far too long, ours has been a democracy practised in ignorance. The Parliament's outreach programme is yet another means of sensitizing our young people to the importance and responsibility of Parliament and parliamentarians.

In this regard, I wish to raise the issue of the constitutional provision that no person under the age of 25 can qualify to be a Senator in the Upper House. It is not about the size of the cranium of a 25-year-old. This is a dinosaur piece of legislation lacking in vision. In every generation there comes along an exceptional human being under the age of 25 and there should be a constitutional provision for such an occurrence.

The majority of parliamentarians here today will never get the opportunity to address the United Nations General Assembly, as 16-year-old Malala Yousafzai

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did in her defiant response to Taliban militants who attempted to take her life and destroy her dream of change and education. Young Malala stated and I quote:

“They thought that the bullets would silence us, but they failed. And out of that silence came thousands of voices...nothing changed in my life, except this: weakness, fear and hopelessness died. Strength, power and courage were born...[I am not] here to speak in terms of personal revenge...I do not even hate the Talib who shot me...This is the compassion I have learned from Mohammed, the prophet of mercy, Jesus Christ and Lord Buddha. This is the legacy of change I have inherited from Martin Luther King, Nelson Mandela and Mohammed Ali Jinnah. This is the philosophy of non-violence that I have learned from Gandhi, Bacha Khan and Mother Teresa.”

Hon. parliamentarians and my dear judges of the Supreme Court of Trinidad and Tobago, I adhere fully to a philosophy that celebrates both the independence and the compassion of the human spirit. I will not, therefore, be burdened by the cronyism of the past and the present, or engage in a fossilized interpretation of my constitutional remit. I will not budge from engaging progressive change, nor will I be bullied by those who cannot cope with such change.

The President's door will be open to provide access to those outside the corridors of power, influence and contact, so that their existence and their desire to serve will not be limited by their seeming anonymity. I have a deep respect for institutional memory and it has its place in relevance, but I also believe in creating lines of succession and, for far too long, with consecutive Governments, we have the same faces with the same old philosophies and the same tired ideas.

We need a nation to engage our young intellectuals and not simply speak of the Singapore model without ensuring that our best and brightest are in governance and in the Parliament. This President, maybe much to the chagrin of some, will not engage, figuratively speaking, in the recycling of empty plastic bottles.

Before closing, allow me to refer to my inaugural address in which I stated that there are powers which the President has and powers which he does not have. As a general rule, in the exercise of his functions, the President is mandated to act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet. However, this general rule does not always apply. May I repeat, this general rule does not always apply.

At times he is required to act in his discretion, or after consultation with some other person or authority. Where the President is required to act in his own discretion, as, for example, in the appointment of the Leader of the Opposition, he

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may undoubtedly seek the counsel of any person who in his judgement could be of assistance. He may also choose not to consult with anyone at all. At the end of the day the decision is his and his alone.

Similarly, when the President is required to act after consultation with some person or authority, it is expected that he will engage in a meaningful process of consultation, and this is reflected in the rule, omnia [presumuntur] rite esse acta, the presumption of regularity. But again, having done so, the decision is his and his alone.

On the other hand, where the President is required to act in accordance with the advice of the Cabinet, or a Minister acting under the general authority of Cabinet, or some other person or authority, he is obliged to act on that advice. In these instances, the decision is not his but that of the person on whose advice he must act.

Nevertheless, the advice tendered to the President must itself be lawful. The President is not obliged to act in accordance with advice which is contrary to the law, that is illegal, unconstitutional and/or outside of the jurisdiction of the person tendering the advice. If it is against the law, he is duty-bound to ignore any such advice. For example, the President would be obliged to reject the advice of the Prime Minister or the Leader of the Opposition to appoint someone to the post of Senator who is not qualified under the Constitution to hold that position.

Additionally—of course it does not apply here—it is now commonplace that, in appropriate circumstances, the President would delay implementation of the advice tendered to him in order that he may bring to the attention of the decision-maker matters which, in his considered but restrained judgment, might have been overlooked.

Two of my important constitutional duties as President of the Republic I have already exercised are the appointment of Independent Senators and members of the Integrity Commission. Under the Constitution and applicable legislation, the former appointment is made in my own discretion while the latter is made by me after relevant consultation. Therefore, responsibility for these choices rests entirely on my shoulders. In making such appointments, I will always be true to my oath of office to conscientiously and impartially discharge the functions of President. In respect of such appointments, the buck stops with me and these shoulders are broad.

I saw a need to retool the composition of the Independent Senatorial Bench. I have listened and I have also observed for years the gaps in that composition. Where were the detractors in the last three years when there were no energy expert on the Independent Bench, no person who is differently abled for some 50 years and no internationally recognized expert and academic in international finance? Where were you men and women of letters?

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[HIS EXCELLENCY ANTHONY T.A. CARMONA SC]

Constitutionally, of equal importance to my independent exercise of judgment in making the appointments are the powers vested in the Prime Minister and another Minister of Government to advise me to appoint particular persons named by them various positions. Such Ministers bear the responsibility for such selections, although the actual instruments of appointment are under the hand of the President. I am simply upholding the Constitution of Trinidad and Tobago and the law when I give effect to these decisions when are lawfully to be made by others.

It is important that the public understand this Constitutional principle and the reason for it. I have no authority to refuse to appoint the persons put forward by the Prime Minister or other Ministers, or in some instances the Leader of the Opposition. It would be constitutionally incorrect for me to seek to do so. Just as selections properly made by me in my own judgment are constitutionally required to be accepted by others, likewise, as President, I am required to accept the choices made by others in accordance with the applicable constitutional or statutory provisions. I will make my own decisions when I am authorized by the Constitution or other law so to do, but in respect of a matter where the authority to make the decisions is vested in another person, I will follow the Constitution, the convention and the law and give effect to that decision.

However, it is still quite proper, in my humble view, for a president to counsel and warn against any advice or recommendation he considers to be unwise, and this I have done with a measure of success, but the President cannot refuse to execute a lawful decision made by a Minister or the Leader of the Opposition under the Constitution. As President I understand this very clearly and it is important that public also recognize and appreciate the importance of this constitutional position. In the regard I note, many times, intellectual dishonesty often masquerades itself as critical analysis.

Ladies and gentlemen, I have used this occasion of the opening of this Fourth Session of the Tenth Parliament to again raise the issues of faithful service, and personal honour probity in public affairs. A new session invariably gives rise, in its own small way, to the excitement of a new beginning; a new beginning informed at once by an awareness of new and ongoing challenges and the understanding that meeting these challenges may require previously unplumbed levels of commitment to the ideal of nation building.

Ladies and gentlemen, parliamentarians, always be patriots in this august assembly. I am confident however, that we have the courage and the wisdom to treat with all challenges successfully. I wish you great health. I wish your families

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and friends good health and success. I ask you to remember your families and remember the sacrifices they make when you come to the Parliament and when you stay in the Parliament for very long hours. Remember that when you lose those moments, they are lost forever.

I feel, with the greatest of confidence, with this renewed vigour, with this renewed vision, that you can have a productive session and I thank you for the courtesy of your kind attention. May God bless this Republic of Trinidad and Tobago. Thank you. [Applause]

Senators return to the Senate Chamber.

3.18 p.m.: *Sitting resumed.*

PAPER LAID

Address by His Excellency the President on the occasion of the opening of the Fourth Session of the Tenth Parliament of the Republic of Trinidad and Tobago. [*The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)*]

To be printed as a Senate Paper.

ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, I beg to move that this Senate do now adjourn to a date to be fixed. Before you do so, Mr. President, I will now invite the hon. Sen. Jamal Mohammed to bring Eid greetings, and the hon. Sen. Moheni to bring greetings for Emancipation, and we are cognizant of the fact that there will be no repetition and that they will be very brief in their remarks.

Mr. President: Sen. Moheni.

Hon. Senators: No reading! No reading!

Emancipation Greetings

The Minister of State in the Ministry of Arts and Multiculturalism (Sen. The Hon. Embau Moheni): Mr. President, it is my pleasure, on behalf of the Government Bench, to bring greetings on the occasion of the celebration of Emancipation, as we all know, emancipation brought to an end a most heinous system that assaulted the culture, the religion, the arts, the history of a people. As a result of which, we, today, as we observe Emancipation as a continuing process, seek to reclaim what was lost.

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It is important that, in observing Emancipation, we utilize that freedom that we have won, in order to pursue the continued development of humanity. Emancipation is a universal concept. It speaks to the freedom of people, but it also speaks to equality because, during slavery, a race of people not only suffered physical brutality, but they were made to believe themselves to be inferior; a people whom we know had developed on the continent of Africa, civilizations that we all can be proud of. The first university of Timbuktu, for instance, and beyond that, we know the Moors left Morocco, ruled Spain for 700 years and built the University of Salamanca, which was the first university in Europe. So it is not that the Africans who were brought here were inferior in any way, but they were made to believe themselves to be inferior so that slavery could have been justified in the minds of the enslavers and in the minds of the world.

So as we observe Emancipation, I would like to extend greetings to one and all, but also to admonish each and every one of us to continue to strive towards those principles of the equality of man, of justice and of the value of humanity.

Thank you. [*Applause*]

Sen. Penelope Beckles: Thank you kindly, Mr. President. Mr. President, on behalf of the Opposition, I wish to bring greetings, as recognizing and acknowledging that we celebrated Emancipation yesterday, August 01. The celebration, of course, commemorated the 175th anniversary of the abolition of African slavery.

I am mindful of the time but I just want to use the opportunity to congratulate Khafra Kambon and the Emancipation committee who, over the years, have commemorated this celebration in memory of our African ancestors and our African heritage.

I want to also pay tribute to those who made the extra effort to attend yesterday's celebration, and for those of us who attended, we would have had the opportunity to see the thousands of people who were dressed in colourful African garments and who danced to Yoruba songs, commemorating this 175th anniversary of the abolition of slavery.

I had the opportunity yesterday to be part of that procession that started on Independence Square and went to the Savannah, and I was fortunate to be in the company of the Leader of the Opposition and his wife, Sharon Rowley, Sen. Fitzgerald Hinds, Sen. Deyalsingh and MPs Hypolite and Browne. I know that some of the MPs from the Government also attended: Ministers Peters, Douglas and Prakash Ramadhar. Of course, I missed seeing the Attorney General this year in his resplendent African wear and I hope he will join us next year.

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But, Mr. President, I think it is important, every year we would invite persons from some part of the African continent, and just to welcome some members of the foreign delegation from Africa who attended: King Solomon Gafabusa Iguru of Uganda; the Minister of Energy of Uganda, Irene Muloni; the Nigerian-born Nobel prize winner, Akinwande Oluwole Soyinka. And, of course, we were fortunate to see Angelique Kidjo, the international renowned Grammy award-winning singer and songwriter and humanitarian.

As I close, I would like to just refer to a quotation made by Soyinka yesterday as he addressed the Emancipation Village at the Savannah:

“To be free we must first stay emancipated and then emancipate others.”

Thank you. [*Applause*]

Sen. Elton Prescott SC: Mr. President, thank you. My exhortation to the members of the general public on the occasion of Emancipation is that, barring the festivities, we should focus on transporting ourselves from one place of constraints upon our lives and our thinking so that we can move to that other place where we dispense with—be they tangible or intangible—things that force us to live lives that we no longer wish for ourselves. We must begin to see in ourselves that our own liberty will only be framed from the point where we are no longer enslaved in our minds and—if I may paraphrase the hon. Marcus Garvey—that we will move to another place where our enslavement is behind us.

If, as we celebrate Emancipation, we could remember that to emancipate oneself is to transport oneself from one point to another and to shed those strictures upon our lives, then we would have achieved something. It is in those circumstances that I wish that the national community would consider to look upon Emancipation; look forward to their lives being freed of those things that keep them from achieving now, and, with a future ahead of them and their history very much behind them but never forgotten, we shall achieve.

Thank you very much. [*Applause*]

Eid-ul-Fitr Greetings

The Minister of Communications (Sen. The Hon. Jamal Mohammed): Thank you very much, Mr. President, hon. Senators. I distinctly remember on the last sitting of the last session of this Senate when we were in one of those marathon sessions just referred to by His Excellency the President, we received word that the new moon of Ramadan was sighted and the holy month of Ramadan has started for Muslims here in Trinidad and Tobago and the world over. Indeed, when that sitting was completed, just after four o’clock, we were minutes away from the beginning of the first day of fast in the month of Ramadan.

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Since then until now, members of the Muslim community have been involved in a day of fasting over the past few weeks. From the break of dawn, about half past four every morning until sunset, about half past six every evening, we have been staying away from food and drink and other normal activities to show some discipline, to show some courage, respect to Almighty God, love for fellow man and all of these wonderful traits that we encourage during in the holy month of Ramadan. Praise be to God we are in the last 10 nights and 10 days of this blessed, holy month of Ramadan, and it is said if we do what we are supposed to do during these last 10 days of Ramadan, we can be saved from the fire of hell.

Having said that, we are approaching the celebration of Eid-ul-Fitr which is the grand celebration that comes after the holy month of Ramadan. It is possible that Eid will fall on Thursday, August 08. It can also be on Friday, August 09. The public holiday here in Trinidad and Tobago has been declared for Friday, August 09. Whichever day it is, I would like, on behalf of the Government of Trinidad and Tobago, to extend best wishes to you, Mr. President, and Members of this Senate and to the population and the people of Trinidad and Tobago for a wonderful Eid-ul-Fitr for 2013.

Again, I must repeat the exhortation I gave on the last occasion, that we must consider ourselves extremely lucky to be living in a country like Trinidad and Tobago where there are so many religions and practices and beliefs and we do so in one love, as one people and as one nation. You just have to look around the world today, Mr. President, to see the turmoil in so many other countries. Even in some Muslim states, there are Muslims—millions of Muslims as we speak—who cannot observe the month of Ramadan, who will not be celebrating Eid-ul-Fitr because of the problems that they face in their own country. We are so lucky in Trinidad and Tobago and we must not take these things for granted, and we must, indeed, count our blessings.

So, congratulations and best wishes. We are just a few more days away from Eid-ul-Fitr, and on behalf of my colleagues on the Government side, and on behalf of the Government of Trinidad and Tobago, I would like to extend early Eid-ul-Fitr greetings to the people of Trinidad and Tobago.

Thank you very much. [*Applause*]

Sen. Faris Al-Rawi: Mr. President, hon. Senators and to Trinidad and Tobago, it is my pleasure to bring greetings for the upcoming event of Eid-ul-Fitr to the national community of Muslims and to the entire nation of Trinidad and Tobago, joining in that wide celebration as we do as a people, wholly. Perhaps I could only

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take my learned colleague, Sen. Mohammed's wonderful greeting a little bit further, by saying that Eid in Arabic literally means, to return to something. It is the return—linguistically, that word means the return or reversion to something, and the exhortation in Islam is that you are reverting to a state of cleanliness, to a state of peacefulness, to a state of holiness, in particular after having exercised the virtue of fasting, of prayer and of charity.

Coming towards Eid-ul-Fitr, we are reminded that it is incumbent upon us all to engage in particular in the aspect of charity, or *Zakat*, as we call it in Arabic, and that is in giving to those who are less fortunate. Trinidad and Tobago, as a whole, is very accustomed, whatever religion we come from or support, to the concept of fasting, to the concept of prayer, and very beautifully in transporting ourselves, as my learned colleague, Sen. Prescott, has just reminded us in the emancipation of self, in transporting ourselves back to the holy state that we as human beings hope to aspire to and to become and to rejoin one day.

So very simply put, we wish a continued Ramadan Kareem; we wish a very holy end to the month of Ramadan. We join our Muslim brothers and sisters in prayer, in fasting and in charity, and it is indeed a pleasure on behalf of the People's National Movement, the Opposition, and I am sure every Senator sitting present, to bring warmest regards and wonderful celebration to the people of Trinidad and Tobago on Eid-ul-Fitr, which may very well be either on Thursday of next week or Friday of next week.

I thank you, Mr. President. [*Applause*]

Sen. Subhas Ramkhelawan: Bismillah ir-Rahman ir-Rahim. We begin in the name of Allah, the most gracious and the most merciful. What a wonderful way it is for us, Mr. President, to commence this new term, this Fourth Session of the Tenth Parliament, as it coincides not only with Eid but it also brings to some confluence the celebration of Emancipation Day.

I want to, on behalf of my colleagues on the Independent bench, express to the national community, and to our Muslim brothers and sisters, an early Eid Mubarak and Ramadan Mubarak at the same time.

But it would be remiss of me, Mr. President, not to give to my former Independent Senator colleagues our expression—the entire Senate—our expression of warm regard and best wishes and congratulations in the work that they would have done early on mornings—many mornings—at 4.00 a.m., in working towards the betterment of our country by way of legislation and scrutinization.

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So to former Sen. Corinne Baptiste Mc Knight [*Applause*], to former Sen. Prof. Harold Ramkissoon [*Applause*], to former Sen. Dr. James Armstrong [*Applause*] and to former Sen. Dr. Lennox Bernard [*Applause*], we express our thanks. And at the same time, if not in the same breath, we welcome new Independent Senators to the bench: Sen. Vieira [*Applause*], Sen. Small [*Applause*], Sen. Dhanayshar Mahabir—I hope that they will get your first name right, Dhan—and Sen. Roach. [*Applause*]

With these few words, I want to, again, express strongest sentiments and best wishes to our Muslim brothers and sisters.

I thank you, Mr. President. [*Applause*]

Mr. President: I would like to join with Senators who have preceded me in bringing warm greetings on the celebration of Emancipation, the 175th anniversary of the emancipation from slavery, to all those people of African origin who have broken the shackles of slavery to be with us today and to add to our national community a huge new dimension which makes Trinidad and Tobago better for what it is, by virtue of having the people of African origin participate in the life of our community. And so, we have special greetings to people of African origin. We recall that, of course, discrimination against one is discrimination against all and, therefore, the course that they have charted over these many years is one to be upheld as an example which we can all follow to end discrimination in whatever form it takes in Trinidad and Tobago.

And as well, I would like to bring greetings to our Muslim brothers and sisters in our community preceding their celebration of Eid-ul-Fitr later in the next few days. Certainly, there are sacrifices over the month of Ramadan, and with particular reference to this holy week that is to come, is an example which I know that they set for Trinidad and Tobago. Very often we—it is because we fail to take sacrifice, we look to take the easy way out, to seek merely for pleasure and not for the long term that we fall short. So the example which the Muslim community brings to us in its fasting, in its prayer in this month of Ramadan, and, in particular in this holy week that now precedes the Eid-ul-Fitr, that we thank them for their contribution towards Trinidad and Tobago as well.

And, of course, I would like to welcome the new Senators as well, if I may add to Sen. Ramkhelawan. We wish that you will have opportunities to make great contributions to us. And even, of course, as I welcome you, we also wish our former Senators who were with us on the last occasion that they, too, will have a life ahead of them that is filled with blessings. So I thank you for this opportunity to bring blessings. [*Applause*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 3.38 p.m.