

SENATE

Tuesday, June 28, 2016

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE



Madam President: Hon. Senators, I have granted leave of absence to Senators Nadine Stewart, Gerald Hadeed and David Small, who are all out of the country, and to Sen. Sophia Chote SC who is ill.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona, S.C., O.R.T.T.:

“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.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.

President.

TO: MR. IMRAN MOHAMMED

WHEREAS Senator Nadine Stewart is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me

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by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, IMRAN MOHAMMED to be temporarily a member of the Senate, with effect from 28th June, 2016 and continuing during the absence from Trinidad and Tobago of the said Senator Nadine Stewart.

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 27th day of
June, 2016.”

“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

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.

President

TO: MR. GERALD IAN RAMDEEN

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

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(b) of the Constitution of the

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Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, GERALD IAN RAMDEEN to be temporarily a member of the Senate, with effect from 28th June, 2016 and continuing during the absence from Trinidad and Tobago of the said Senator Gerald Hadeed.

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 27th day of
June, 2016."

“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

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.

President

TO: PASTOR CLIVE DOTTIN

WHEREAS Senator David Small is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago.

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, PASTOR CLIVE DOTTIN to be temporarily a member of the Senate, with effect from 27th

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June, 2016 and continuing during the absence from Trinidad and Tobago of the said Senator David Small.

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 27th day of
June, 2016."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Imran Mohammed, Gerald Ramdeen and Pastor Clive Dottin.

Madam President: Hon. Senators, we are awaiting one further instrument of appointment from His Excellency, so with your leave I will revert to this item on the order of business a little later on.

PAPERS LAID

1. Report of the Central Bank of Trinidad and Tobago (CBTT) with respect to the Progress of the Proposals to Restructure Colonial Life Insurance Company (Trinidad) Limited (CLICO), British American Insurance Company (Trinidad) Limited (BAT) and CLICO Investment Bank Limited (CIB) for the quarter ended March 31, 2016. [*The Minister Rural Development and Local Government (Sen The Hon. Franklin Khan)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year ended September 30, 2009. [*Sen The Hon. F. Khan*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year

4. ended September 30, 2010. [*Sen The Hon. F. Khan*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2012 to December 31, 2012. [*Sen The Hon. F. Khan*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2013 to December 31, 2013. [*Sen The Hon. F. Khan*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2014 to December 31, 2014. [*Sen The Hon. F. Khan*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Receipts and Payments of the Intellectual Property Office for the year January 01, 2015 to December 31, 2015. [*Sen The Hon. F. Khan*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year December 31, 2007. [*Sen The Hon. F. Khan*]
10. Consolidated Financial Statements of Development Finance Limited for the year ended December 31, 2013. [*Sen The Hon. F. Khan*]
11. Annual Audited Financial Statements of Development Finance Limited for the year ended December 31, 2014. [*Sen The Hon. F. Khan*]
12. Annual Audited Financial Statements of Portfolio Credit Management Limited for the year ended December 31, 2012. [*Sen The Hon. F. Khan*]

13. Annual Audited Financial Statements of Portfolio Credit Management Limited for the year ended December 31, 2013. [*Sen The Hon. F. Khan*]
14. Annual Audited Financial Statements of Portfolio Credit Management Limited for the year ended December 31, 2014. [*Sen The Hon. F. Khan*]
15. Annual Audited Financial Statements of Portfolio Credit Management Limited for the year ended December 31, 2015. [*Sen The Hon. F. Khan*]
16. Annual Report of Taurus Services Limited for the year 2015. [*Sen The Hon. F. Khan*]
17. Annual Report of the Trinidad and Tobago Stock Exchange Limited (TTSE) for the year 2015. [*Sen The Hon. F. Khan*]
18. Annual Report of First Citizens Bank Limited for the year 2015. [*Sen The Hon. F. Khan*]
19. Annual Administrative Report of the Ministry of Gender, Youth and Child Development for the year October 1, 2014 to September 30, 2015. [*Sen The Hon. F. Khan*]
20. Annual Administrative Report of the Community Improvement Services Limited (CISL) for the year 2014/2015. [*Sen The Hon. F. Khan*]
21. Annual Administrative Report of the Export-Import Bank of Trinidad and Tobago Limited (EXIMBANK) for the year ended December 31, 2014. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
22. Annual Administrative Report of the Zoological Society of Trinidad and Tobago for the fiscal year 2014. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)*]
23. Annual Report of the Industrial Court of Trinidad and Tobago for the period October 2014 to September 2015. [*The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus)*]

URGENT QUESTIONS**Impropriety of Textbook Procurement****(Steps Taken to Address)**

Sen. Wade Mark: Thank you, Madam President. To the hon. Minister of Education: Given the Minister's recent statement on the impropriety of textbook procurement, can the Minister inform this Senate of the immediate steps that will be taken to address this issue?

Madam President: Hon. Minister of Education, you have two minutes.

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam President. Let me begin by saying that the Cabinet of this country has taken a decision that all textbooks for use at both the primary and secondary schools will receive a top-up of 10 per cent, and this is because of a survey that was done in our schools by our school supervisors that revealed that there is a plethora of textbooks. In fact, there is a huge excess of textbooks in our schools that makes it even difficult for some of our principals to secure proper storage space.

Because of this we have found that a number of practices have been engaged upon and we are trying our best to stamp out those practices. As a result of this, we have decided to strengthen our security systems in our schools, and the procurement of textbooks and delivery of textbooks have been given to EFCL. They have now been charged with the responsibility of procuring the textbooks and of delivering the textbooks to our schools. Thank you.

1.45 p.m.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate what were some of those practices that he identified a short while ago that the Ministry discovered?

Hon. A. Garcia: Thank you very much. We have found that there are a number of textbooks that have found themselves on the streets in Port of Spain, in particular on Charlotte Street, that are being sold. Many of those textbooks are sold with the stamps of the schools, the Ministry of Education and the schools. That is one of the practices that we have found. We have found also that in some cases even the publishers seem to have been given the textbooks without paying for the textbooks.

Another practice is that, in some cases again, where the students were supposed to have returned the textbooks to schools that that has not been done and it is our view that that is one of the reasons why we find so many of those books are now being sold on the streets.

Sen. Mark: Madam President, through you again to the hon. Minister. Could the hon. Minister identify the quantity and value of those textbooks that have been sold on the street corners of our society?

Madam President: No, Sen. Mark. That is not a supplemental questions that arises from what was posed and what was answered.

Sen. Ameen: Supplemental.

Madam President: No. Two questions have already been asked. Sen. Mark.

Foreign Used Car Industry

(Status of Measures Taken)

Sen. Wade Mark: To the hon. Minister of Trade and Industry. Sorry, Ma'am. Sorry. In light of reports that the foreign used car industry is failing owing to measures introduced by the Government with regard to the age of importation being changed from six to four years, can the Minister state what immediate measures will be taken to assist the main stakeholders in this industry?

Madam President: Hon. Minister of Trade and Industry, you have two minutes.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you, Madam President. Let me say that the view of the foreign used car industry is failing owing to measures introduced by the Government with regard to the age importation being changed from six to four years, cannot be entirely substantiated, having regard to the figures which I just sought to get for us in this short period of time.

I looked, for example, at the fiscal year 2015, cars imported by foreign used car dealers, and the 12-month figure would have been 8,632. Whereas that for the fiscal year 2016 thus far from October to early May, so I would say, let us say October to April is 5,132. And when compared, I do not see that there is any falloff at all. As a matter of fact, I have pro-rated it, it should be around 5,035. But then I thought to get the calendar year which will give us somewhat of an idea of where things are going. And for the calendar year 2015, the number of foreign used cars brought in by the foreign used cars dealers was 9,314 as against for the first four months of this year, 2,588, and now that falls a little bit below the figure of last year.

Notwithstanding, I mean, I can tell you that there is still demand for licences for these vehicles within the Government's policy of four-year vehicles. Those licences are coming in to the trade licensing unit of the Ministry, so that there is still demand by these foreign car dealers for the vehicles. So that there is activity and sales.

On the other hand, there may be few of these dealerships that may be experiencing a lull, maybe because of the downturn in the economy and, of course, there may be scarce availability to some persons of foreign exchange, for whatever reason, but it has nothing to do with age of the vehicle—[*Interruption*]

Madam President: Hon. Minister, your two minutes time—[*Interruption*]

Sen. the Hon. P. Gopee-Scoon:—because the activity is continuing.

Sen. Mark: Hon. Minister, through you Madam President, could the hon. Minister indicate whether the impact of the decision to reduce the age of the vehicle from six years to four years, would you share with this Parliament whether that is having a negative impact on the importation and supply of those vehicles on the local market?

Sen. The Hon. P. Gopee-Scoon: I just sought to give you the figures for that which really showed that there was no negative impact at all. If anything at all, market conditions, as I said, maybe the downturn in the economy, maybe a particular dealer has difficulty with accessing foreign exchange. All of those are market conditions which would affect the supply of the vehicles. But to say that the age of the vehicles has caused any substantial falloff or so in the ability to import foreign used cars by these dealers, it is not substantiated by the figures at all. At the end of the day, I know that consumers in Trinidad and Tobago do have access to the used cars whether local or from the foreign market. The consumers have not lost an opportunity at all of being able to buy a reasonably priced car. Again, going back to your foreign used car dealers, I cannot substantiate the claim that you are making here this afternoon.

Point Fortin Highway Project

(Status of Completion)

Sen. Wade Mark: Thank you, Madam President. To the hon. Minister of Works and Transport. Given reports that state owned NIDCO has fired OAS Construtora from the Solomon Hochoy Highway extension to Point Fortin project, what steps will the Minister be employing to complete the said highway?

Madam President: Hon. Minister of Works and Transport, you have two minutes.

The Minister of Works and Transport (Hon. Fitzgerald Hinds): Thank you very warmly, Madam President. The Government of Trinidad and Tobago is

deeply and wholly committed to completing that project. That was stated in the manifesto that we campaigned on recently. In consequence, Madam President, one of NIDCO's—the implementing agency responsible for this project—key objectives, is to make all the necessary arrangements for this project to continue. Therefore, NIDCO is currently undertaking a detailed determination of the remaining works to be done to complete this project. It is then intended that the outstanding works would be divided into a number of smaller projects and these would be made available by way of an open tender process, competitive open tendering process for local contractors and qualified and having been awarded they would continue the project.

It is to be done in two phases, Madam President. In the first phase three contracts will be carried out. Three of those contracts will be carried out and the expected duration of those would be in the vicinity 12 months.

And in the second phase, two longer-term contracts where these would be expected to be completed within 30 months from their start. Thank you very much, Madam President. [*Desk thumping*]

Sen. Mark: Madam President, through you, could the hon. Minister indicate when the first phase that you have outlined would commence?

Hon. F. Hinds: Madam President, it is now in the public domain that a notice of termination of the contract with OAS Construtora was issued recently. In compliance with the law of that FIDIC contract, certain processes are now under way. Once these are complete and termination is effected in accordance with that contract, then immediately we would go out to tender, as I have previously described.

EXTENSION OF QUESTION TIME

Madam President: Sen. Mark, Senators, the time under the Standing Orders for

Urgent Questions has elapsed. The 10 minutes have been used up.

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): Madam President, I am seeking the leave of the Senate to extend the time until all the Urgent Questions have been answered.

Assent indicated.

URGENT QUESTIONS

Madam President: Sen. Mark, continue.

Sen. Mark: Yes. I think my friend—

Madam President: Sen. Ameen.

Sen. Ameen: Thank you very much, Madam President. I just want to ask the Minister, having regard to what you have outlined as the way forward, if you can indicate a time frame and an idea of what you expect it to cost taxpayers?

Hon. F. Hinds: Madam President, I think it would be a misuse of useful parliamentary time to repeat that which I have already clearly stated. Insofar as costs are concerned, once these projects are put out for tender, the cost would become available to us all at that stage. I could not tell you now.

Moneys Owed to Health Care Workers

(Status of)

Sen. Wade Mark: Thank you, Madam President, to the hon. Minister of Health. In light of recent protests and concerns raised by health care workers with respect to money owed to them, can the Minister indicate what steps will be taken to address this issue?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President, I will answer on behalf of the Minister of Health. The process of making payments of arrears of salary to workers involves a series of computations to determine the amount due to each individual worker. As a result, the accounting units in all of the

Ministries, Departments and government agencies that are affected have to do these individual calculations for each individual worker.

The Ministry of Finance has been encouraging all of the affected agencies to do the necessary paperwork and I am happy to report that with respect to the Regional Health Authorities, the Ministry of Health has advised that all of the calculations have been completed for all of the workers within the Regional Health Authorities who are entitled to receive back pay.

The necessary audits have been done because after the computations are done, you need to audit the calculations to ensure that there are no errors, underpayments or overpayments as the case may be. I am advised that the audits have been complete and that the documents have been sent to the Ministry of Finance representing 50 per cent of the arrears owed to the RHA workers.

And, Madam President, the Ministry of Finance expects to receive either tomorrow or the day after, the proceeds of a bond that was raised on the local market in the sum of \$2billion, and as soon as these funds are received—I am hoping we would get it tomorrow—the necessary release will be made to the Ministry of Health so that the workers can be paid immediately thereafter which should be within a day or two. I thank you, Madam President. [*Desk thumping*]

Sen. Mark: Madam President, could the hon. Minister indicate to us how many workers, if you are aware, would benefit from the back pay, as well as bringing their salaries up to current levels?

Hon. C. Imbert: I am unable to tell you the precise number of persons, but I can tell you the amount of money that will be paid out in terms of the 50 per cent to the RHA workers. It is of the order of \$500 million, but with respect to the numbers, I do not have those precise details at this point in time.

UK's Departure from the European Union

(Effects on Our Economy)

Sen. Wade Mark: Thank you, Madam President, to the hon. Minister of Finance. Based on the outcome of the recent United Kingdom national referendum to leave the European Union, what effects will this development have on the economy particularly in the areas of trade, investment and capital flows?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. Madam President, the most obvious effects on the departure of the United Kingdom from the European Union would be on the price of commodities, in particular the price of oil. Initially, the price of oil took a hit which was expected because markets do not like uncertainty, but the price of WTI as of now 1.58 p.m. is \$47.43. So it has recovered. It dropped to \$46 immediately after the announcement of the results of the referendum. But it has recovered because the fundamentals remained the same in terms of supply and demand, and there are quite a few supply outages caused by all sorts of issues across the world. So it appears that oil is recovering as the experts had predicted the day when the results became known of the referendum.

2.00 p.m.

In terms of trade, United Kingdom is not one of our major trading partners. It is 12th on the list of countries in terms of imports and also 12th on the list of countries in terms of exports. United States of America is by far our largest trading partner in terms of exports followed by Argentina, then Colombia, Puerto Rico, Peru, Chile, Spain, Jamaica, Norway, Brazil, France. Those are all countries above the United Kingdom in terms of the quantum of exports.

And in terms of imports, our major imports come from the USA again as number one, then Africa, Colombia, China, Norway, Russian Federation, Brazil, Japan, again United Kingdom being the 12th. So in terms of trade, the departure of the

United Kingdom from EU will not have any immediate effect. It may have medium term and longer effects.

Madam President: Hon. Minister—

Hon. C. Imbert: It is a little too early to tell.

Madam President: Your time is up.

Sen. Mark: Hon. Madam President, through you to the hon. Minister. I do not know if the Minister could indicate to us whether the country's foreign reserves would be impacted upon in any way with this particular withdrawal by the United Kingdom? I do not know if he could probably share with us any views on that matter.

Hon. C. Imbert: Although it does not flow, I will answer because it is important. Our reserves are held in US dollars. In fact, the value of the US dollar has appreciated significantly since last week against the pound, against the euro and so on and so. In terms of a basket of currencies around the world, our reserves have, in fact, increased in value.

With respect to the Heritage and Stabilisation Fund, which is the question you did not ask, but you should have asked, I have asked the Central Bank to give me an assessment of what has happened to our investments because the Heritage and Stabilisation Fund is invested in stocks, in bonds, in equities, in long-term instruments and so on. So they are presently compiling the information for me and I will let the population know in due course whether any short-term impact has occurred to the value of the money in the Heritage and Stabilisation Fund.

Sen. Mark: Madam President, may I also ask the hon. Minister, what impact if any do you anticipate on our economy in terms of capital flows?

Hon. C. Imbert: We do not anticipate any difficulties. Our dollar is tied to the US dollar. As I said, Britain is not one of our major trading partners, a very important

market, but in terms of volume and quantum, it is not one of our major trading partners. The EU agreements with Trinidad and Tobago still stand. All our trade agreements still stand. I do not anticipate any major impact but it is too early to tell. We have to wait and see, let the dust settle and see what happens before we can make a definitive statement.

ORAL ANSWERS TO QUESTION

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): Madam President, I would like to announce that the Government will be answering questions 61, 67 and 68 and we ask for a deferral of two weeks for question No. 66.

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

First Citizens Bank

(Details of Fraudulent Transfer)

66. A. Could the hon. Minister of Energy and Energy Industries provide the Senate with an update on the attempts to recover the sum of \$60 million dollars that was fraudulently transferred from the First Citizens Bank account of the National Energy Corporation in September 2011?
- B. Could the Minister further state, who was the President of the National Energy Corporation at the time when these fraudulent wire transfers took place?

Question, by leave, deferred.

Retrenchment and Severance Benefits Act

(Amendments to)

61. **Sen. Wade Mark** asked the hon. Minister of Labour and Small Enterprise

Development:

In view of the growing insecurity facing employees of the shutdown Arcelor Mittal Steel Company, could the Minister state when the urgently required amendments to the Retrenchment and Severance Benefits Act will be brought to the Parliament, and whether it would be retroactive?

Madam President: Hon. Minister of Labour and Small Enterprise Development, you have five minutes.

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you very much, Madam President. In reply to the hon. Senator's question, the Government in its official policy framework identified the Retrenchment and Severance Benefits Act, Chap. 88:13, as being in need of comprehensive review and in this context the consultation process on this Act has commenced. It must be appreciated that the process of amending legislation, especially those addressing critical issues such as the protection of workers, requires broad-based consultation and dialogue.

Additionally, the introduction of amendments to legislation into Parliament is not really a simple matter of drafting the legislation and introducing it to Parliament. The drafting of legislation forms part of a wider policy process which entails the following necessary actions: One, the formulation of a policy and the policy is generally developed after extensive consultation with stakeholders. Two, the approval of the policy by Cabinet. Three, the approved policy is then forwarded to the Officer of the Chief Parliamentary Counsel at the Ministry of the Attorney General and Legal Affairs for a draft of the legislation to be prepared. Fourthly, consultation with stakeholders will occur again on the draft legislation to ensure that the draft captures the requirements of the stakeholders. Fifthly, after consultation the draft legislation is reviewed and approved by the Legislative

Review Committee. Sixthly, the draft legislation as approved by the Legislative Review Committee is then forwarded for approval by the Cabinet to be introduced into this honourable place, Parliament. And lastly, Madam President, once Cabinet grants approval the draft legislation is then introduced in Parliament and will move through legislative process in both Houses of Parliament.

As a consequence of the process to be followed, Madam President, and given this Government's commitment to genuine dialogue, it is difficult to indicate a precise date at this time for the introduction of the amendments to the Retrenchment and Severance Benefits Act into Parliament. However, this honourable House can rest assured that the Government in collaboration with the tripartite partners is giving this issue top priority attention.

With respect to retroactivity, this is not a simple matter and this aspect of this issue will be carefully examined during the consultative process to determine its feasibility and even its legality. Thank you, Madam President. [*Desk thumping*]

Sen. Mark: Madam President, could the hon. Minister indicate whether the trade union movement is committed, from discussions had with the hon. Minister of Labour and Small Enterprise Development, to having the legislation make or be made retroactive? And given that commitment, if that is so, would the Government be prepared to consider retroactivity after discussions with the employers?

Madam President: Sen. Mark, I do not see that arising as a supplemental. Part of the answer dealt with it, but, hon. Minister—

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. I understand the sense of concern because we are all concerned about the issue. The issue of retroactivity was tabled and you would appreciate the consultation process is still in place. As a matter of fact, through you, Madam President, I would like to advise the hon. Senator that the deadline for both employers and trade unions for

submitting their final comments on this piece of legislation is Thursday, which is the last day in June. And once we receive those comments we will pull together that first working document, a draft, but we are very mindful, the question of retroactivity we have to tread carefully with that. There is a school of thought that it can be easily struck down in court, so we would take all views on board, but let it be known that we are very, very concerned about the substantive circumstances and how this piece of legislation once reviewed can bring a certain level, additional protection to workers in Trinidad and Tobago.

Production-Sharing Contract 2011 to 2015

(Total Acreage Licensed or Re-Licensed)

67. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

Could the Minister inform the Senate of the total acreage that was licensed or re-licensed or put under production sharing contract for each year for the period 2011 to 2015?

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): I respond on behalf of the Minister of Energy and Energy Industries. The total acreage that was licensed or re-licensed, or put under production sharing contract for the period 2011 to 2015 was as follows: In 2011, 570,831 hectares; 2012, 531,971 hectares; in 2013, 669,596 hectares; in 2014, 281,643 hectares; in 2015, nil.

Sen. Mark: Madam President, could the Minister indicate whether the Government plans to have any bid round in 2016?

Sen. The Hon. F. Khan: We do not—we are well advanced into 2016 and we do not have to have a bid round in 2016. We would not have one, but we are considering one in 2017. The only real serious acreage we have now is the deep water acreage and three of these blocks have been taken up. BHP is drilling a well

as we speak, keep your fingers crossed Trinidad and Tobago, and after the results of that well, if it is successful, there will be very, very high interest in a next bid round, especially in the deep water blocks.

Natural Gas

(Details of)

68. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

Could the Minister inform the Senate on the following matters:-

- (i) what is the total daily contracted quantity of natural gas for all of NGC's customers;
- (ii) what is the total daily contracted quantity of natural gas for each of the four LNG trains at Point Fortin?

The Minister of Rural Development and Local Government (Sen. The Hon.

Franklin Khan): Thank you, Madam President. Madam President, the current daily contracted quantity of natural gas for NGC customers is 1,761 MMSCF per day, which is million standard cubic feet per day; 1,761 MMSCF per day. NGC is not contracted to supply gas to Atlantic LNG. Gas is supplied to ALNG by the upstream producers directly and I will give the contracted volumes as follows: Train 1, 440 MMCF per day; Train 2, 510 MMCF per day; Train 3, 510 MMCF per day and Train 4, 720 MMCF per day; giving a total of 2,180 MMCF per day or 2.18 billion cubic feet per day.

Sen. Mark: Madam President, could the hon. Minister indicate what is the current shortfall in supply to the Point Lisas Industrial Estate?

Sen. The Hon. F. Khan: The shortfall approximates about 15 per cent of supply and there is right now a juggling effect with the NGC in terms of who gas is supplied to. That poses its own challenge, but I think it is managed pretty fairly and there is also talk about spreading the cut between Atlantic and the Point Lisas

Industrial Estate. But, it is a very sensitive area of the industry as we speak and I think on the face of it, it is being handled quite effectively by the NGC.

Sen. Mark: Madam President, could the hon. Minister indicate, apart from what he has said, what other plans does the Government have to treat with the shortfall in supply of gas to the Point Lisas Industrial Estate? Could you provide us with any additional clarification on that matter?

Sen. The Hon. F. Khan: Well, the shortfall is really an upstream matter and there is a compressor facility that is being constructed at the LNG Plant itself that will release around 250 million cubic feet per day. There is talk with bp. As a matter of fact, we were meeting with bp today with regards accelerating the Juniper Platform and there are lots of small field development that is on stream and that should really take care of the deficit by 2018.

Sen. Mark: Madam President, could the hon. Minister indicate the Juniper Platform, when is it expected to come on stream to supply Trinidad and Tobago with the natural gas that is required at this time?

Sen. The Hon. F. Khan: The third quarter of 2017.

PRIVATE MEMBERS' MOTION NO. (I)
(RECUSAL OF MADAM PRESIDENT)

Madam President: Hon. Senators, we will now suspend the sitting for 10 minutes to allow the Vice-President to take the Chair with this Motion. So this sitting is now suspended for 10 minutes.

2.16 p.m.: *Sitting suspended.*

2.25 p.m.: *Sitting resumed.*

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

Mr. Vice-President: Hon. Senators, please permit to revert to item 3 on the Order Paper.

SENATOR'S APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona, S.C., O.R.T.T.:

“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.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MR. ALBERT WILLIAM SYDNEY

WHEREAS Senator Sophia Chote is incapable of performing her duties as a Senator by reason of her illness.

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALBERT WILLIAM SYDNEY, to be temporarily a member of the Senate with effect from 28th June, 2016 and continuing during the absence of Senator Sophia Chote by reason of her illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the

UNREVISED

President, St. Ann's, this 28th day of
June, 2016.”

OATH OF ALLEGIANCE

Senator Albert William Sydney took and subscribed the Oath of Allegiance as required by law.

CENTRAL BANK GOVERNOR

(CONDEMNATION OF GOVERNMENT'S ACTIONS)

[Third Day]

Order read for resuming adjourned debate on question [March 22, 2016]:

Be it resolved that the Senate condemn the actions of the Government in its dismissal of the Governor of the Central Bank on December 24, 2015.

Question again proposed.

Mr. Vice-President: List of those who have spoken, Tuesday, March 22, 2016, Sen. Wade Mark, mover of the Motion, hon. Colm Imbert, MP, Sen. Dr. Dhanayshar Mahabir, Sen. Wayne Munro. On Tuesday, May 24, 2016, Sen. The Hon. Franklin Khan, Sen. Gerald Hadeed, Sen. Taurel Shrikissoon, Sen. The Hon. Paula Gopee-Scoon, Sen. Wayne Sturge and Sen. The Hon. Clarence Rambharat.

Sen. Gerald Ramdeen: Thank you, Mr. Vice-President. The Motion before this honourable Senate is one whereby the Senate is asked to condemn the actions of the Government in its dismissal of the Governor of the Central Bank, Mr. Jwala Rambarran, on the 24th of December, 2015.

This is a very important Motion that has been filed by my colleague, Sen. Mark. I have had the opportunity to read the contribution of Sen. Mahabir and as always, he has given us a clear and intelligent understanding of the role of the Governor in his contribution, his functions and duties and the relationship that is supposed to exist, presumed to exist between the Governor and the Government.

I have also had the opportunity to read the contribution of the hon. Minister of Finance and as we have come to expect now in the last 10 months, the contribution of the Minister of Finance went little way in explaining the decision of the Government in terminating the Governor of the Central Bank. It was not dissimilar to the explanation that was given for the removal of \$2.5 billion from the Heritage and Stabilisation Fund.

I would like to start my contribution with the clear words of the Constitution and I think it is important because I would like this to be the foundation of my contribution here on this Motion. The Preamble to our Constitution enshrines that the people of Trinidad and Tobago:

“have asserted their 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 and thus develop and maintain due respect for lawfully constituted authority;”

And two:

“recognise that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;”

And I want to emphasize that, that institutions remain free only when freedom is founded on respect for moral and spiritual values and the rule of law.

These sections of the Preamble to our Constitution provide the foundation of why this debate is important, because the institution of the Central Bank is supposed to be one of the pillars that holds our democracy together. It is supposed to be independent and it is supposed to be respected by all in society. The independence of the institution of the Central Bank and through it, the Governor, it is critical to the upkeep of our financial system.

The Preamble of our Constitution recognizes our belief in a democratic society and respect for lawful constituted authority and very importantly, it recognizes that those men and institutions can only remain free when there is respect for moral and spiritual values and the rule of law. This Motion is important to all of the people of Trinidad and Tobago because it is clear and I will demonstrate that it is clear beyond a shadow of a doubt that the actions of the Government, in removing the Governor of the Central Bank, flies in the face of the Constitution, the rule of law and the expressed provisions of the Central Bank Act.

I will demonstrate to you by the uncontroverted facts of this matter that the decision to remove the Governor of the Central Bank was one that was calculated, was premeditated and was malicious. It is important that this Senate and the people of Trinidad and Tobago condemn these actions of the Government because it represents an intrusion by the Government into what is supposed to be one of the most important, independent institutions of our country. It represents a breakdown of law and order in a civilized way and it represents the ultimate abuse of Executive power under a Westminster Constitution.

We are all a part of a politically and ethnically plural society where party politics, and hence the Government, is determined largely along ethnic lines and where suspicions about discrimination abound in such a society, where Executive action, as in this case, is left unexplained, speculation is rife and it is not conducive to establishing public trust and confidence in public administration and in Government; and that is exactly what took place in this particular case.

Let me give you an example why, Mr. Vice-President. In the contribution of the Minister of Finance on 22nd of March, 2016, this is what the Minister of Finance had to say in answer to this Motion:

“I have made...”—it—“crystal clear, in this place and outside this place”—that—“we sought legal advice from internal counsel, external counsel. We sought legal advice from the Law Commission. We sought legal advice from the—office of the—“Attorney General...We sought legal advice from Senior Counsel and...received legal advice. We did not just get one opinion. We got four, and because we wanted to be very, very careful because we are dealing with an important institution where the business community and banking sector has said they have lost confidence in that particular institution.”

And then he went on to say:

“So that the Government did not act whimsically in this matter, at all. We took our time. We were very, very...very careful. We sought advice. We sought opinions, not one, not two, not three, but four...from Senior Counsel. So, when we received the advice we concluded...as I indicated in my press release, that the Governor had breached section 56 of the Central Bank Act, and section 8 of the Financial Institutions Act.”

But you see, Mr. Vice-President, all of that that I have just said really amounts to nothing. Absolutely nothing. Because I can tell you that on 30th of December 2015, a citizen of this country, an attorney-at-law, filed a freedom of information application against the Minister of Finance and asked in that freedom of information application for the names of all the attorneys-at-law and/or the barristers, both local and foreign, who provided advice to the Ministry of Finance and the Government of Trinidad and Tobago with respect to the removal and/or dismissal of the Governor of the Central Bank of Trinidad and Tobago, Jwala Rambarran.

That citizen, Darryl Heeralal, an attorney-at-law, was exercising a right that was given to him under the Freedom of Information Act and I can tell this Senate and I can tell the people of Trinidad and Tobago that the response of the Minister of Finance to that application was absolute nought. The Minister of Finance and the Ministry of Finance did not even have the decency to reply to that application for that information and that is now before the courts and they will answer for it.

The same citizen, Darryl Heeralal, applied to the Cabinet of Trinidad and Tobago, exercising his right under the Freedom of Information Act and he asked for the said information from the Cabinet—the names of all the attorneys and barristers of law, local and foreign, who provided advice to the Cabinet of Trinidad and Tobago. Well, I can report to the Senate and to you, Mr. Vice-President, that the Cabinet was a little bit more decent than the Minister of Finance. So they supplied an answer and the answer that they supplied was that those documents and that information is subject to a Cabinet exception and we will issue a certificate, and the Cabinet did issue a certificate indicating that they will not disclose that information and that too, the Cabinet is now before the courts to answer in Trinidad and Tobago.

So, Mr. Vice-President, the position is this, you removed the Governor of the Central Bank and we question whether that was lawful. The people of this country have a concern as to whether that was lawful. Why do you want to hide the names of the lawyers? [*Desk thumping*] Why do you want to hide the fees that were paid? We want to know. And if under the People's Partnership, every week, and under the PNM, you would hear the Attorney General come here every time and speak about lawyers' fees, who was paid and who was retained. Where is the transparency in the removal of the Governor of the Central Bank? Why must it be

shrouded in secrecy?

In the contribution of the Minister of Finance, he set out and he told this House in his contribution that the Minister wishes to advise, in his press release, he said that the Cabinet took a decision at approximately 1.00 p.m. yesterday—that would have been the 24th: President's House just after 2.00 p.m. received the documents for consideration of Her Excellency. That is 2.00 p.m.

2.40 p.m.

So it went from Cabinet to the President's House at 2.00p.m. And the decision to terminate was at 7.00p.m. And he went on to explain that the President has no discretion because this is a matter that falls under section 70. It is on the advice and it really is the Cabinet. So the President is just rubber-stamping. But we want to ask the question, if the President was simply rubber-stamping the removal of the Governor, pursuant to a Cabinet decision under section 70, what was taking place between 2.00p.m. and 7.00p.m.? What was going on at that time?

Mr. Vice-President: Senator, let me just give you a little bit of guidance. You are referring to the President and it is the Office of the President of this country. And the Standing Orders provide that you do not suggest, and this is borderline imputing a sort of improper motive on the Office of the President. [*Desk thumping*] So I would ask you to stay away from that line in your argument and get back to the matter before us. But stay away from imputing in any form or fashion anything untoward the Office of the President of this country.

Sen. G. Ramdeen: Mr. Vice-President, let me make it very clear that I was imputing no improper motive to anyone. But in a matter that is so important to the democracy of our country, transparency and accountability must be paramount [*Desk thumping*] and, therefore, at the end of the day when something like this

happens, all the cards should be laid on the table so that we can all know what has transpired. [*Desk thumping*] And all of us collectively can look at the process and be confident that what was done, was done in accordance with the law, because that is what the Constitution provides. [*Desk thumping*]

You see, Mr. Vice-President, it is often said that one who does not learn from their past is doomed to repeat it and we must learn from our past. The PNM does not have a good past and some simple examples from the past will provide us, and I rely on our past to show why we must condemn the actions of this administration because the decision to remove the Governor is not the first attack on our independent institutions by this administration. [*Desk thumping*] You see, the question will be asked—after December 24th and the removal of Mr. Jwala Rambarran—who will come next?

This administration has already brought to this House an Order that was passed, that has the effect of allowing the political directorate to interfere with the appointment of a Commissioner of Police. [*Desk thumping*] That is the next institution that they are going after, the Commissioner of Police. Luckily, that is now before the court, so I will say nothing more about that.

When we were debating the SSA Bill, Mr. Vice-President, my friend, Mr. Rambharat made the point, after my contribution, in answer to my contribution and said—I am sorry, Sen. Rambharat—made the point that the UNC cannot get away from their past, they must sit down and listen to it; and today the PNM cannot get away from their past. They must sit down and listen to it as well. [*Desk thumping*]

In 1995, the Government of the day, the then PNM Government, sought to have Occah Seepaul removed as Speaker of the House [*Desk thumping*] because of questions arising out of her involvement in a court matter, in which she was the

complainant. She was asked to demit office because the negative public perception held both of her image and office as a result of the court matter but she refused to do so. The Government filed a no confidence Motion in Parliament against her. Seepaul was then accused of acting in her own self-interest when she omitted a section of a constitutional amendment, which was brought before Parliament to have her vacate the office forthwith.

She was subsequently placed under house arrest from August 5th to August 8th, 1995. Then Prime Minister Manning invoked a state of emergency and put the Speaker under house arrest because they could not get their way. The Government then introduced a Bill in the Legislature, providing for the removal of a Speaker. The Speaker they went after.

What I want to put on the *Hansard* is this, and it was put by Dr. Moonilal in another place, the then Diego Martin West MP defended the state of emergency and famously argued, if the Speaker knew she had no food at home then she should have behaved herself. That was the statement of the then Diego Martin West MP. If she had no food at home, she should have behaved herself. That was the respect that the PNM had for the Speaker of the House of Representatives.

The next example is one that is infamous in our democracy and it relates to the removal—it was made reference to by Sen. Mahabir in his contribution. It was the actions of the PNM Government that went after a sitting Chief Justice in our country, a sitting Chief Justice. [*Desk thumping*] And let me and allow me to go through shortly for you the timeline of what transpired, the extent of the plot to remove a sitting Chief Justice.

April 01, 2005, Prime Minister Manning announces in Parliament a decision to advise President Richards to set up a tribunal to investigate whether Chief

Justice Satnarine Sharma should be removed from office. That was April 1st.

May 5th, Chief Magistrate Sherman Mc Nicolls complains that Sharma tries to influence him in the Basdeo Panday trial. May 10th, five days later, Sharma alleges Prime Minister Manning issued to him an ultimatum,—resign or be charged.

Sen. Cummings: Mr. Vice-President, point of order, 46(1).

Mr. Vice-President: Hon. Senator, I would allow you to continue on your line of argument, but just be very, very careful, in regard to where you are going. I understand the examples that you are putting forward, but bring it back in very quickly.

Sen. G. Ramdeen: Will do. [*Desk thumping*] Out of that scenario, in the attempts to remove a Chief Justice, this was what a Commission of Enquiry, another independent institution, had to say, the Mustill Report.

According to the tribunal—and this is in the public domain, in the international domain about what was transpiring in our democracy at that time. According to the tribunal, the picture presented to them almost defies belief. The report stated:

We find contradictory accounts given by the Chief Justice and the Chief Magistrate, Sherman Mc Nicolls, on oath, of meetings between them where the discrepancies cannot be explained away by misunderstandings or poor recollection.

The report continued:

We see the Chief Justice publicly arrested and later ushered three times into the dock in a criminal court to undergo a summary trial on charges based on allegations by the Chief Magistrate and then on the last occasion ushered out

again in consequence of the refusal by the Chief Magistrate to give evidence against him.

The tribunal said they heard allegations against former Attorney General, John Jeremie, who could have given oral evidence to rebut them but he did not. He did not. He could have, but he did not. The air was full of rumour, innuendo and gossip around and across deep political divides. We need not go on. The picture is troubling, indeed, both for the tribunal and for the people of Trinidad and Tobago. [*Desk thumping*] And what took place, if I can borrow the words, humbly borrow the words of Lord Mustill, what took place in the removal of Jwala Rambarran is troubling for the people of Trinidad and Tobago. [*Desk thumping*]

The Chief Magistrate had ample time to put together the documents destined for two High Court officers of State, yet his effort of May 05, 2006, were so thin that it had to be reinforced less than a week later by a second statement and the various later versions were wholly consistent with those who launched, those who launched the present proceedings.

The tribunal found that Mc Nicolls had no explanation for his last-minute change of heart.

Sen. Khan: Mr. Vice-President, Standing Order 46(1). I mean, he is just going on. This is not a debate on Sharma.

Mr. Vice-President: Yes, I do now rule that the point of order raised 46(1), relevance, does have merit. Can you move on from that point? I think you have made your point in regard to the examples that you have given. [*Desk thumping*]

Sen. G. Ramdeen: I will move on now, Mr. Vice-President, but not before I lay on the *Hansard* that what transpired there was followed by the removal of a Permanent Secretary, Feroza Ramjohn, by the then Prime Minister exercising his

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Sen. Ramdeen (cont'd)

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veto power, followed by the exact exercise of his veto power, in relation to another independent office in the person of Ganga Persad Kisooson. [*Desk thumping*] Both matters ending up before the Judicial Committee.

Hon. Senator: You are ignoring the ruling of the Chair?

Mr. Vice-President: Senator, Senator, I understand the point that you are making and I think you have been going on for the last five minutes in regard to that particular point, giving example after example. So if you want to move on from that point, please do. [*Desk thumping*]

Sen. G. Ramdeen: Now I would move on to the Governor. On July 17, 2012, Jwala Rambarran was appointed Governor of the Central Bank of Trinidad and Tobago by the President, George Maxwell Richards. By mid-July 2012, when the Cabinet was considering candidates for the position of Governor Mr. Rambarran already had over 20 years of progressive work experience, 14 of which were at the Central Bank. In fact, he resigned from the Central Bank in 2004. When he resigned from the Central Bank in 2004, he was a senior economist with direct responsibility for monetary policy of the bank.

Within days, and this is where it starts, I would talk about the Governor. This is where it starts. Within days of his appointment as Governor, a number of disparaging comments started coming from the then Leader of the Opposition Dr. Keith Rowley, today Prime Minister. In a *Trinidad Guardian* newspaper article, dated July 19, 2012, two days after his appointment, Dr. Rowley was quoted as saying:

He wanted to know how economist Jwala Rambarran could have been given the job as Central Bank Governor over Deputy Governor Shelton Nichols and the bank's Chief Economist, Dr. Alvin Hilaire and he, Dr. Rowley,

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wanted to put the nation on notice a puppet Central Bank Governor and a puppet Central Bank Board was a dagger aimed at the heart of the people of Trinidad and Tobago.

The now Minister of Finance had this to say—and it is a pity that the Minister of Finance is not here. The Member for Diego Martin North/East in the then PNM Opposition had, on several occasions, severely denigrated Governor Rambarran in Parliament. One such event arose on November 23, 2013, during Mr. Imbert's, then Minister's contribution to the debate on the Treasury Notes Act in the House of Representatives and this is what the present Minister of Finance had to say about Mr. Rambarran.

That is why you have all this liquidity and you need to be dealing with that, not just pandering to a request coming from your friend in the Central Bank who tells you what he wants to increase, the limits for Treasury Notes and Treasury Bills by an aggregate of \$25 billion.

I am not in Government but I am concerned about your poor fiscal policy and foolish monetary policy.

At this point in time the Speaker of the House intervened and warned the then Member, saying the Central Bank is supposed to be an independent institution and you keep repeating over and over, as if there is a conspiracy between the Governor of the Central Bank and the hon. Minister of Finance.

On June 6th, during a Motion on the foreign exchange crisis, the present Minister of Finance is quoted as saying in the Lower House, these are his words, and I quote:

Because the Minister does not want to tell you, the Government does not want to tell you and the OJT trainee that they have in the Central Bank, the

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OJT, on-the-job trainee, he is an OJT, no experience. When you have no experience you go on the job to get experience. The Governor is an OJT. He has no experience managing people, managing a bank and managing complex financial systems.

And then the Speaker had to intervene and to warn the now Minister of Finance about his statements.

How ironic it is, Mr. Vice-President, that Mr. Rambarran was subject to an OJT comment from a Minister of Finance now, who is an engineer and who is also performing an OJT function at the Ministry of Finance. [*Desk thumping*]

Mr. Vice-President: Senator, I have been listening to your contribution for the better part of 30 minutes now, and I have heard your arguments being put forward. So far, you have been bordering in breach of the Standing Order that speaks to imputing improper motives on other Members, whether it being in the other place or here. I am going to ask you to focus on the Motion that is in front of us, more specifically in regard to the Act and whether there was a breach of the Act or whatnot, in terms of condemnation of what has happened.

You have spoken for quite a bit on what the Minister of Finance may or may not have done and what the Prime Minister may or may not have done. So what I am asking you to do is to move away from making very close imputations of improper motives on Members of this House and the other place and focus on the Act itself that governs the dismissal of the Central Bank Governor. Thank you.

2.55 p.m.

On December 04, 2015, Governor Rambarran delivered a biannual monetary policy forum speech to the business community, at the speech, Governor Rambarran addressed a pressing national economic issue, the availability of

foreign exchange to pay for imports, by the business community, as there were numerous shortages of foreign exchange at the time.

For over a year businessmen were routinely complaining in the national media, about the inability to obtain foreign exchange from the commercial banks. Members of the public were also complaining about problems in getting foreign exchange from the commercial banks. This outcry started around June 2014, after Governor Rambarran made modifications to the Central Bank's allocation system, for foreign exchange to commercial banks, to make foreign exchange more widely available and its access equitable. So I am just laying the factual foundation that led to the firing, and I do not think that is in dispute, Mr. Vice-President.

These changes were made after he reviewed the Central Bank's allocation system that was in place since April 1993, and found it was outdated, inefficient and had never been adjusted to take into account changing economic realities. The changes Governor Rambarran implemented, shifted the status quo and weakened the monopoly position in the foreign exchange market, held by Republic Bank, the country's largest bank, and this is why the change Governor Rambarran implemented was so fiercely resisted.

Terrence Farrell wrote several articles at the time condemning Governor Rambarran's foreign exchange policy, but Farrell never disclosed at the time, when he was making those statements, when he was writing those articles—
[Interruption]

Sen. Khan: Mr. Vice-President, Standing Order 42(1), I mean, this man is an advocate in the court, I mean, he is reading extensively.

Mr. Vice-President: Senator, I would just like to remind you because you were not here at the time, that the President of the Senate did indicate, that there would

not be reading of speeches per se moving forward, from the point where she actually made that decision. As such, I will allow you to continue because you are in the Senate today, but just be careful with the reading. You can refer to your notes, and present your arguments by way of a debate. [*Desk thumping*]

Sen. G. Ramdeen: At the time Mr. Farrell was writing those articles, one would have thought that in the interest of transparency and accountability, he would have said that he was a director on the Board of RBL. [*Desk thumping*] One would have expected the he would have done that, but not too long after that, and the writing of the articles, like so many others, he has now been appointed chairman of the Government's Economic Advisory Board.

In October 2015, the Minister of Finance had issued special directives to Governor Rambarran, to revert to the April 2014 foreign exchange distribution system. The Minister of Finance further directed the Governor at that time, the now Minister of Finance, had further directed the Governor at that time, to sell an unprecedented US \$500 million, outside of its schedule interventions to clear the foreign exchange backlog, which existed at the time. However, this large amount was entirely used up within two weeks, and the fact that it did nothing to ease the shortage, was a matter of grave concern at that time, and what the Governor sought to do, was explain to those persons who were going every single day to the bank, and could not get any foreign exchange, the common man, not those on top, the common man who could not get US \$500 to go to "ah little holiday". Those were the people who were concerned and asking questions, and what the Governor sought to do was provide the answers.

The business community and the public began calling on Governor Rambarran to say, where the country's foreign exchange was going, and who was

using up the foreign exchange? Even the Prime Minister and the Minister of Finance, publicly demanded answers about who was consuming the country's foreign exchange. When you look at what transpired, it looked like it was simple entrapment, so that he will disclose and then you cut his neck, and then you look for a justification after.

Mr. Vice-President: Senator, the language, the cutting of the neck is not parliamentary language. Could you please retract that statement? The statement regarding cutting of the neck, it is not parliamentary language.

Sen. G. Ramdeen: I apologise and I retract it, Mr. Vice-President.

Mr. Vice-President: Thank you.

Sen. G. Ramdeen: What you saw was simply the setting in trail of the plan to remove the Governor at the end of the day. So you come to one result, which was simply, it was a matter of course that at the end of the day, when one looks at what transpired in this matter, it was simply the putting into effect of a plan to remove the Governor of the Central Bank, and at the end of the day, to look after you remove him, to find a justification for it.

If it is that this Government is confident that what they did in removing Mr. Rambarran, they were justified in doing it, if it is that they are confident that they acted within the law, and that Governor Rambarran was guilty of misconduct in relation to his duties, and that he failed to carry out the duties or functions conferred or imposed upon him by the Central Bank Act, pursuant to (e) and (g) of section 12, then let them disclose to the Parliament, let them disclose the advice. [*Desk thumping*] Let us find out who gave that advice, and what was said in the advice. It cannot be that at the whim and fancy of the Executive that you can remove persons who are supposed to be holding the highest office in independent

institutions.

On December 24th, it was the Governor of the Central Bank. Today or tomorrow, it will be the chairman of the Integrity Commission. Where does it stop? Where do you stop, and where does it stop in Executive power being used in an arbitrary manner? There is absolutely, in my respectful view, Mr. Vice-President, no way that the explanation that was given by the Governor of the Central Bank, to the common man on the street of Trinidad and Tobago, could ever fall within the ambit of section 12, whether it be section 12(e) or section 12(g) of the Central Bank Act, to justify his removal. [*Desk thumping*]

If this Government wants to give to the people of Trinidad and Tobago what they promised in their manifesto, which is good governance, transparency and accountability, [*Desk thumping*] let them disclose, put it in Parliament, disclose it. You should be confident that the advice that you are acting upon, was proper advice. Why is it that you want to hide the names of the persons who gave the advice? [*Desk thumping*] Is that going to cause the country worry? Is it going to cause the country to question the decision, because who you chose to go to advice for? Why must we the taxpayers of this country, not know how much it cost us to remove the Governor of the Central Bank? [*Desk thumping*] It did not cost the Government. It cost the people of Trinidad and Tobago to remove the Governor of the Central Bank.

But you see, Mr. Vice-President, the opaque nature of the governance that we have gotten since September 07th has continued, and it will continue and the people of Trinidad and Tobago will not stand for that. Because the same way in which you do not want to be transparent, about the removal of the Governor of the Central Bank, is the same way that you do not want to be transparent about the

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Coleman report, [*Desk thumping*] disclose those matters that are in the public interest. The removal of the Governor of the Central Bank is in the public interest. It is a matter that concerns the public of Trinidad and Tobago. The Central Bank is not an ordinary institution. We have a right to know, and the Government has a duty to disclose that to us. [*Desk thumping*]

Today, I call upon the Minister of Finance, notwithstanding that he is not here, to disclose to the people. We paid for it. We are entitled to see it. If you are confident that what you did was proper and right and transparent, you should have no objection to disclose it. Disclose the advice that was given to remove the Governor of the Central Bank. Disclose the Coleman report and let us see the PNM Watergate. [*Desk thumping*]

Mr. Vice-President: Two things, Senator, first, you have been repeating the same point for the last two minutes, in terms of disclosure; I understand that. Move on from that point, and secondly, you have five more minutes.

Sen. G. Ramdeen: Thank you, Mr. Vice-President. As a democracy, our democracy will continue to be under threat, if actions like those by the Executive go unchecked. We as a Parliament have a responsibility to ask questions, and the Government has a responsibility to give us the answers to those questions. [*Desk thumping*] When you have an intrusion into the independent institutions of our country, it strikes at the heart of the rule of law. The democracy that we enjoy as a people, both the Government, the Opposition, the Independents, all of us, the democracy that we enjoy will be under threat, once actions like those go unchecked by the Senate and by the Parliament.

Sen. Mark has brought this Motion, asking that the Senate condemns the actions of the Government in this particular matter, and I support him fully, and I

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ask the members of this Senate to condemn the actions of the Government, in the removal of Mr. Jwala Rambarran. Thank you, Mr. Vice-President.

Mr. Mark: Thank you very much. [*Desk thumping and interruption*] Somebody wants to speak? Oh, I am sorry. I am sorry.

Sen. Dr. Mahabir: An Independent would like to speak.

Mr. Vice-President: My apologies, Sen. Dottin.

Sen. Pastor Clive Dottin: [*Desk thumping*] Thank you so much. I was here before and this is my second innings. [*Laughter*]

Sen. Ameen: Welcome back.

Sen. Pastor C. Dottin: Thank you so much. Somebody told me the first time I was here, I kept talking about the Speaker. So I am going to try and get my labelling correct, alright. [*Interruption*] Mr. Vice-President, so if I go wrong, you would just correct me. Okay [*Interruption*] “Ah hope ah doh have” to ask for protection, you know? [*Laughter*]

Mr. Vice-President, I want to begin by—I want to quote from two sources, in terms of jobs and competencies. I want to quote from the—one of the most resent editions of *The Economist* that dealt with banking and conglomerates. I want to go there this evening, because I think it is germane to a decision here, and then I want to quote from the for Stephen Covey in terms of competencies for jobs, because before you hire or fire, there must be a definite, if you are doing it honestly, it must be—there must be a driver. There must be factors responsible for the hiring or dismissal or suspension of a worker. And this being the—you know, in Trinidad and Tobago we have had a tendency to compromise on principles, especially when it comes to the protection of the independence of institutions, and I do not know why, but somehow as I live here and I have lived for a pretty long time, it appear to

me that constitutional reform has always been a political football. Generally what I see, is when you are in Opposition, you know, you want it, but when you get into Government, it is a slowing down process. I said that because I feel to protect the independence of institutions, this society needs serious constitutional reform, and not selfishness, and not preservation, you know, of our domain.

So let me go with Stephen Covey, he spoke about the issue of four competencies, that will determine if a person is performing well, or is qualified for a particular job. He spoke in the first instance about technical competencies, that is, you have the knowledge and the skill that the job requires; that is number one. Number two, he spoke to the issue of conceptual competency. Mr. Vice-President, that deals with the issue if the person employed has a correct perception, you know, quintessentially correct perception of what is required for the job.

Then he spoke to the issue of interdependence, and to my mind, there lies the rub in terms of relationship, because apparently, the Minister of Finance and the Central Bank Government, must have a certain quality of relationship, but that should not include intimidation, and it should not include, you know, undue pressure, either by—or disrespect. Because to my mind, when I observe the dialogue, I think there was enough blame to share around between both parties, that was my opinion, but coming back to the issue of competencies, is the issue of the technical competency, you know, the conceptual competency, the interdependent competency. No man is an island and, therefore, one has to depend on each other and there has to be mutual respect between offices.

3.10 p.m.

May I suggest right now that one of the problems this society has is the inability to separate personalities who are in charge of a particular institution and

the office itself. Different political parties in this country and beyond this country, in the Caribbean, we seem to be making that mistake all the time. Because if you pull down someone, you do not only pull down that person, you also pull down the office. So that there must be a respect for personality, but there must be a bigger respect for the office that that person holds. [*Desk thumping*]

Now, Benjamin Disraeli made a remark, and I want to quote it here because I think our politics are in need of that kind of advice. He says, we must:

Nurture our minds with great thoughts because we never rise higher than the level of our thinking.

This is a relatively young democracy, still young, 1962 to now—I mean, America was from 1776 come down—and, therefore, we must appreciate when there is an opportunity to learn, to benefit, to mature as a society.

I know in terms of our voting system in Parliament, I understand we are under the whip, but I am longing for the day when people could vote based on conscience, beyond the whip, and not pay a price politically, because this to my mind is where Constitution reform must govern us and drive us if we are to improve in this society. So I want to mention that.

Let us go to *The Economist* and I would try to obey. As you know, I am not young, but I am young in the Parliament as a temporary Senator, but I want to talk to the quote, just six lines, from *The Economist* June the 04, 2016. I want to quote from it. Amazingly, it is dealing with Indian banking. What they said here is “Of banks and bureaucrats” and the issue of central banks come into play, but let me go to the first few lines here:

“BANKS are usually reliable barometers of the health of the economies they help finance.”

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So that when you have an issue of a Central Bank that is critical, not only to government policy but development, research, the future of a country, strategic planning of a country, that has to be a vital thing. That cannot be subject to any gerrymandering by parties. And, therefore, parties in power and also the Opposition, there must be some kind of a meeting of the minds to preserve the integrity of an institution that is so valid. [*Desk thumping*] I mean, you have to validate the integrity of that institution. That is important.

And then, amazingly, Mr. Vice-President, in the third paragraph of this document "Of banks and bureaucrats", it comes to the issue of conglomerates. Because I want to suggest, as a citizen, and having spoken to nobody politically on this, when I heard the revelation of how certain entities were getting their huge amount of finance, [*Desk thumping*] I mean, I was blessed with the information. I mean, I must tell you, I was glad to hear. But listen to the third paragraph here from *The Economist* of June 04^t, 2016. Listen to what it says:

"Corporate lending, particularly to the powerful Indian conglomerates, is at the root of the problem."

And it speaks to the issue of loans and what have you there. But what they were trying to prove is that in the state banking sector, you have to enhance, you have to empower, you have to encourage the competencies, the technical competencies and, therefore, if you have to move a person, it cannot be on the issue of personality. And, of course, I was not happy with the dialogue between the Minister of Finance and the Central Bank Governor, and I think both persons made errors in this area.

However, Mr. Vice-President, I notice a trend in the society where politicians are making comments about people who hold certain offices, and the

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country is left in a very uneducated position, meaning, if you criticize someone that holds an office that is supposed to be independent, you have to give the country some kind of explanation. [*Desk thumping*] That is very important otherwise what we will do—the root cause of crime is indiscipline and disrespect, and if we at both levels push that and promote that and mentor that and incarnate that—that is the better word. That is a theological word—incarnate, disrespect, then we cannot ask individuals who are younger than our dear selves to really respect those in authority. [*Desk thumping*] So I think that has to be important.

Mr. Vice-President, the other thing we have to watch, and I think both parties who have been in power, all parties have made this error. You know, power is a beast. You know what Acton says:

Power corrupts and absolute power corrupts absolutely.
So power has a way, like it has a virus and it goes into the cerebral cortex sometimes. So we have to be careful with that.

And, therefore, Mr. Vice-President, I sat on a service commission and I know that sometimes there is that kind of devious subtle influencing of the process, and unless you are strong and have the courage to stand up by your convictions—I want to say as a pastor here—what I am saying here, I really have a sense of divine accountability—I want to know when I go home tonight and I sleep, that God is pleased that what I said came from my conscience. [*Desk thumping*] Nobody paid me or bribed me to say what I am saying. [*Desk thumping*] So we have to insulate persons who hold critical offices. If it is two offices I feel we should really insulate, among others, it is the Attorney General's Office—he must be beholden to no political party. [*Desk thumping*] That is my conviction—and also the Governor of the Central Bank. To my mind that is just too significant to have that.

Now, did we communicate? And, perhaps, other people will speak and educate me. One of my concerns is: did we explain to the population the process and the whole driving factors behind the dismissal of this goodly gentleman, Mr. Rambarran? I do not think so. I am at a loss.

I must tell you, I asked a former Prime Minister last night—I mean, “I am doing meh poll, meh Gallup Poll”—what you thought about this whole issue? And, you know, I was shocked—and I would not mention the person's name because you know one has to be confidential—but I asked and he said, I mean, he was not quite sure what the real issue was. Was it a matter of disrespect of the Minister of Finance could not communicate—there was an absence of communication—or the Governor of the Central Bank was doing stuff that placed the institution at risk? Was it a matter of big business? Was that a matter of big business and their control?

Mr. Vice-President, I might be wrong, but I feel one of the major areas in fighting the critical issues of the society is the issue of the power of big business and those who own the society. [*Desk thumping*] I might get in trouble here, but I think we have some rambunctious capitalists who own this place [*Desk thumping*] and though matter which party is in power, they are in control. That relates also to some elements of the drug trade too, which I have fought for 37 years. I have looked at that seriously.

So that I am not going to make it very long, Mr. Vice-President. I just want to advise all of us in the Parliament that Robert Moss wrote a book on *The Collapse of Democracy* and he says democracy does not collapse overnight. It is an incremental process. I want to quote what Robert Moss said. He said, we cut the branch and we cut the branch and we cut the branch—we are dealing with the

collapse of British democracy—and eventually we sat on the same branch we were cutting. We have to be very careful.

I think the role of all of us, especially the Independent Senators, is help to introduce certain levels into the debate and discussion, because we do not want that to happen within a society. [*Desk thumping*] Not only that. I know sometimes in the country there is what they call sometimes in the politics “geopolitical seismic shifts”, meaning the power concentrated in a certain part of the country—and, basically, the capital city—when there is a shift, there could be a problem with people’s ability to conceptualize the whole thing and I think we have to watch that.

I think when it came to the revelation of foreign exchange and who was getting the foreign exchange, I did not do a poll on that. But I think the majority of citizens were happy to know when it was revealed. [*Desk thumping*] So that there may be something I do not know. I do not know. I think sometimes we bring offices into disrespect, and we do not always intend that, but the nature of the political beast is that there are loyalties sometimes and not always in the right place.

But, clearly, I think there was an opportunity—and we could still capitalize on this—to educate the population, to explain why, because some people seem to be still confused. Some people justify it and say: “Well, you know, the directorate and the Governor could not agree. It was putting the bank at risk. There could have been a run on banks and everything else” and, therefore, they justified it that way. But when it comes to a decision of a critical office like that you really have to take a lot of things into consideration. I warn that when we deal with persons, we have to separate the personality from the office and not bring the office into disrepute.

Finally, I do not know if I am correct here, but it is my conviction that

somehow this Governor of the Central Bank operated in the early phase at a disadvantage. There was so many questions raised about his competency, for example—whether he was the one for the job, whether he understood the job—that I think he must have been under a certain level of pressure in his operations. I believe as a pastor I must as a role model take advice and be educated and where I am wrong apologize, but somehow I feel that what happened to him was somewhat unfair. [*Desk thumping*] That is my impression.

And finally, Mr. Vice-President, I have taken about 20 minutes already. I just want to say this. We have to be careful with people who hold offices; we have to be careful with the issue of respect for the office in addition to the personality and we have to do our best to insulate, you see because parties change. No Government is there forever, so parties change. What we want to do is to be mature enough and objective enough that when we make certain decisions that protect offices—so that sometimes you do not need the protection now, in the future you may need the protection—and so we have to guarantee what is best for the country and what is best for the development of the country. We cannot lift the level of political conversation until we lift the level of thinking in the society. I have a very deep concern about that and we have to educate people, because you see, people need answers.

Brother Vice-President—Mr. Vice-President, sorry. You know, I am still in the church mode. There is that feeling in this society that we have to disengage from, disconnect from, that there are certain people who own this society, they could do what they want. They money launder; they use the banking institutions; they feel they are untouchable and, therefore, if anybody comes up against them that person pays a price. And one thing that must happen—and I want to say—in

the future, one thing that must happen in this society is that we must not allow certain people to believe that they have so much power in the society that when they want to tarnish an institution, and when they are losing grip of a particular thing and they cannot control other folks that they pay a price with their jobs, with their lives.

And, as I am saying, if it is competencies, I await to hear, but I am saying right now, let us be very careful how we treat with certain institutions, and let us make sure that in the end truth is the winner and integrity is the winner and conscience is the winner. [*Desk thumping*] Mr. Vice-President, I thank you very much. [*Desk thumping*]

Sen. Wade Mark: Thank you very much. Mr. Vice-President, let me from the outset record my gratitude, appreciation and profound thanks to all of my senatorial colleagues who participated in the discussions, the debate on this Private Member's Motion dealing with the dismissal of the Governor of the Central Bank. Whether Senators spoke in favour, whether they spoke against, does not matter. Whether one abstains at the end of this exercise that is their choice. What is at issue is the fact that the democratic right and freedom to participate fully in a debate surrounding the independence of the Central Bank from political control and/or influence is what drove this particular Motion, and engaged this Senate over the last few months.

3.25 p.m.

The Government Members who spoke, of course they supported the action of the Minister of Finance and the Cabinet in dismissing the Governor of the Central Bank, and literally, of course, using the Central Bank Act, the Financial Institutions Act, and even the Exchange Control Act to justify the action of the

Government. But, Mr. Vice-President, I want to say that strong institutions are an imperative for the advancement of any flourishing democracy. Institutional independence, in this instance the Central Bank, has been compromised and in the process democracy has been undermined and subverted.

It is my view that an independent and autonomous central bank is absolutely essential for the stability, for promoting credibility, and for generating macroeconomic development in any civilization. [*Desk thumping*] And maybe arising out of our discussion we may begin to think seriously about revising, Mr. Vice-President, the Central Bank Act to ensure that there is greater autonomy and independence insofar as that institution is concerned, and more so the lead actor in that institution, that is, the Governor of the Central Bank. Maybe that is one of the lessons we can draw from this particular experience that we have had, Mr. Vice-President.

We know that the Government of Trinidad and Tobago, their allies, their friends, had mounted from very early a campaign against the appointment of the Governor of the Central Bank. [*Desk thumping*] The Central Bank Governor did not have a chance to breathe, and there was an unleashing of an assault by the cabal. There is a corporate cabal whose music and melody the Government dance to, [*Desk thumping*] and this corporate cabal, from the word go, did not find favour with this Central Bank Governor, and their agents came out and they attacked. Mr. Vice-President, you would recall that from very early there was a chronology of events that unfolded. First, Mr. Vice-President, there was a foreign exchange crisis and everybody who believed that the Central Bank Governor had to go used that as a basis to question the Central Bank Governor's qualifications, his experience, and, of course, his appointment to hold that post in the first instance.

What even consolidated the view of this corporate cabal and their allies was when he did, what they consider, he committed a cardinal sin. And what was his cardinal sin? By revealing to the people of the Republic of Trinidad and Tobago the 18 largest users of our foreign exchange. That was a crime, as far as they were concerned, that ought not to have been committed by the Governor of the Central Bank. And of course, Mr. Vice-President, he also, on the 4th of December, 2015, indicated to the country that there were four quarters of negative economic growth which represented a recession, that too generated a lot of opposition from the sitting Government and their allies, Mr. Vice-President. And, of course, the whole repo rate increases that he announced every quarter did not go down well with the Government and the Minister of Finance.

So we saw a pattern that emerge over a period of time, and I raised some issues which no one has disputed, and no one has clarified, and I disagree with the hon. Minister of Trade and Industry when she said there was no personality clashes or differences between the Governor and the Minister of Finance. I demonstrated very early that there were personality clashes and that resulted, Mr. Vice-President, in action being taken by the Minister of Finance, and not a single Member on that side, on the Government Bench, who have spoken thus far have been able to clear the air on these assertions that I have put onto the public record.

Why was the Governor removed as the alternate to the Minister of Finance on the International Monetary Fund? The Governors of the International Monetary Fund have alternates, and in law—I should not say law, in practice, I should say, Mr. Vice-President, the Governor has traditionally been the alternate for the Minister of Finance. You know what our Minister of Finance did to our Governor whilst he was sitting as Governor? He removed him. You know who he put in

place of the Minister?—or the Governor rather. The Minister of Planning and Development. [*Desk thumping*] First time in 15 years we had the removal of a Governor as alternate to the Minister of Finance, and not a single Government Member has dealt with that matter.

Mr. Vice-President, not only did they dispose of the Governor very early by not allowing him to be the alternate to the Minister of Finance, he was traditionally—the Governor was traditionally the chairman of the development insurance corporation—deposit rather, not development, Deposit Insurance Corporation, the DIC, always the chairman. You know what happened strangely under this Minister of Finance? He never appointed Jwala Rambarran as the chairman of the Deposit Insurance Corporation. [*Desk thumping*] But today there is a new Governor, I think his name is Mr. Hilaire, and he is now the chairman of the DIC. But whilst the Governor, Jwala Rambarran, was there the Minister of Finance, when he became Minister of Finance, refused to make him chairman of the Deposit Insurance Corporation. Why, Mr. Vice-President?

So, in other words, we are seeing, Mr. Vice-President, a systematic conspiracy and a manipulation of the system in order to find a case to dispose of the Governor of the Central Bank. Mr. Vice-President, I want to tell you, when these corporate cabal, this corporate cabal made this song and dance over the release of the 18 largest users of foreign exchange, because it was election in the air, election was in the air, and they wanted, Mr. Vice-President, to get rid of this gentleman as part of a conspiracy to win the elections, and they were successful. But, Mr. Vice-President, may I draw to your attention, you see, even Members in this House—I think it was Sen. Lester Henry, who is now facing a defamation suit, went on a radio station, i95.5, and what he did not say about the Governor of the

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Central Bank he forgot. He questioned the man's experience, he questioned his qualifications; he questioned why he was appointed in the first instance—total disrespect for the Governor of the Central Bank. [*Desk thumping*] Total disrespect.

So it was not just the Minister of Finance describing this man as an OJT on the job, you know, there were others who disregarded, disrespected, showed contempt, utter contumely towards the Governor of the Central Bank. Why? Is it because he is from rural Trinidad and Tobago? What is the reason for it? Is he a country boy? I am asking. [*Interruption*] No, I am just asking. Yeah, I am asking, I am not accusing anybody. I am not casting aspersions. I am just asking whether he was not part of the boys club from Port of Spain so, therefore, he must be isolated, alienated, insulated. Was it that? They could not manipulate him and control him so they got rid of him. Is that the reason, Mr. Vice-President? I do not know, I am asking questions. But, Mr. Vice-President, I want to refer you to Natalie Briggs in the *Trinidad Guardian*, *Sunday Guardian*, November 02, 2014. Hear what she wrote in the *Guardian*, and nobody said anything, everybody remained silent because it did not suit their agenda at the time, she said, and I quote:

“The CB provided some answers in the Economic Bulletin of August 2014. Of the injections so far, purchases were made by the following:”

And these are figures given in the *Sunday Guardian* of the 2nd of November, 2014.

“30.9 per cent or US \$1.038 billion was used by the retail and distribution sector.”

That was outlined, it was in the newspapers. This was in the bulletin. This was in this report, Mr. Vice-President, this report here. It was in this report, Economic Bulletin, August of 2014.

The Governor put into this report how the foreign exchange was being

distributed but there was no uproar, but on the 5th of December, or the 4th of December, when he made his monetary statement there was a big song and dance. He went on further—this lady rather, Natalie Briggs:

22.4 per cent of the foreign exchange was used up, amounting to US \$752.9 million by credit card centres.

That was in that document. He went on further, Mr. Vice-President—this reporter rather, the lady, Natalie Briggs:

“14.1 per cent or US \$474 million by”—the—“manufacturing”—sector and “8.1 per cent”—of US, which was \$275 million—“went to automotive dealers.

Over-the-counter purchases by individual members of the general public amounted to purchases worth 2 per cent or US \$67 million.”

3.40 p.m.

This was information published in *Sunday Express*, in *Sunday Guardian* rather of November 02, 2014. But what caused the hullabaloo? Why, for instance, they came down on Jwala Rambarran on the July 04th when he had that major conference at the Hyatt. You know what they were concerned about, this cabal that controls the economy of this society that tells the PNM when to jump and how high they must jump? You know why, Mr. Vice-President? I will tell you why. He dared, he dared to challenge the order, the establishment. He dared to tell them, [*Desk thumping*] do not use the peoples' foreign exchange in the way that you are using it and then blaming me. You were blaming the Central Bank Governor for the state of affairs as it related to the shortages of foreign exchange in the country.

Today, there is massive, severe shortages of foreign exchange but the corporate cabal, [*Desk thumping*] they have adopted the Christmas song, Silent

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Night. [*Desk thumping*] They have now adopted the Christmas song Silent Night. They “doh” talk again. You know why? They have accomplished their mission. They wanted to get rid of Jwala Rambarran and they have gotten rid of him, so everything is okay now.

Mr. Vice-President, if you want to go abroad now and you go to the bank for US\$200, you cannot get it. [*Desk thumping*] But you “ent” hearing nobody talking. The Minister of Finance is quiet, the Prime Minister is quiet and all of the Neal & Massys and the Chamber of Commerce and the Trevor Farrell or Terrence Farrell, all of them who were saying, get rid of Jwala because of the foreign exchange crisis, they gone quiet. All of a sudden.

Well, was it because he called the name of the organizations? He “ent” call the individuals. But you know, he said manufacturing but this time he said, listen you know what happened, Mr. Vice-President? Let us go a little deeper because they were coming down at him and the Prime Minister. I recall an article in the *Guardian*, the Prime Minister said, he wants answers on the US\$500million that was distributed by the Central Bank; I think it was in October of 2015. And within a week it disappeared. Speculators, drug dealers, gobbled up the money, but you know who they blamed? They blamed Jwala; Jwala.

Mr. Vice-President, I want to tell you something. I am not accusing anyone, I just want clarification and answers to my queries. We have banks in this country that do whatever they want, when they want, how they want, when they want. There is a particular bank that during the period 2012 and 2015 bought two banks, one in Suriname and one in Ghana. That was the same bank that got almost, about 27 per cent of the distribution of foreign exchange that was issued by the Governor of the Central Bank.

And I have information that in the case of Ghana, 57 per cent of the shares are now owned by that particular bank and it cost in US dollars US \$451million to purchase that 57 per cent of the bank that they own in Ghana. And the name of the bank, Mr. Vice-President, if you would like to know it, is HFC Bank of Ghana.

The simple question I want to ask that bank on behalf of the people: did they use the moneys that were issued by the Central Bank that was supposed to go to poor people and to business like manufactures and others, did they use that money to purchase that bank in Ghana? So when there was [*Desk thumping*] a run, when there was a shortage of foreign exchange, nobody questioned the banks and their role in this whole matter. But we want answers today because somebody, somebody must answer. Because somebody caused a governor to lose his job. [*Crosstalk*] No. This thing happened under you. Yeah. It started in 2012 and completed in 2015.

No. But what I am saying, I have no problem with a bank buying a bank, you know. But I am saying that, let us be truthful. Let us be honest. Let us tell the country, well look, we played a role in the shortfall that we are experiencing in the foreign exchange market. Why are you blaming Jwala Rambarran for it? [*Desk thumping*] And then, Mr. Vice-President, this same bank went and bought another bank in a place called Suriname, right, for some US \$45million. So in the case of one bank that I am aware of, they bought two banks in the space of one year, in 2015 the deals were completed.

In case of Ghana it wrapped up in 2015 and in the case of Suriname, it was concluded in 2015. So you are talking about close to US \$500 million going to purchase two banks, one in Suriname and one in Ghana. And we, when we go, Mr. Vice-President, to get US \$1,000, we have to go—come back tomorrow. If you

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went at 8 o'clock no 9 o'clock or 10 o'clock that day, the bank say, "come nine tomorrow", and you are reaching there 7 o'clock, and you line up for US \$200. For US \$500 you cannot get it, but one bank US \$451million to purchase 57 per cent of ownership of a foreign bank in a foreign country. Using what? We do not know. That is why we ask for answers on these matters, Mr. Vice-President? We call for transparency.

So we cannot buy the argument that has been advanced by the Government that the governor did not act properly. Look "nah"—and I like the point that my friend made from—the shadow Member of Parliament for Mayaro, I think, Sen. Rambharat. Right? He made the point that this is for the courts. The courts will determine that. Yes. I know the courts will determine it and he will win. But that is not the issue. The issue is, why did the Government take such high-handed action when the Government knew that they were running afoul of the law? Because they just do not care.

And that is why, Mr. Vice-President, my colleague made reference to a pattern of behaviour in office by this administration in the past that haunts them in the future. Get rid of a speaker, house arrest. Get rid of a chief justice, get a chief magistrate to come up with all "kinda" rigmarole stories that had no foundation. And when it came time to testify, refuse. But you know what, Mr. Vice-President? A chief justice in handcuff, humiliated publicly. That is what they wanted to see and that is what happened. And, Mr. Vice-President, that is wrong. That is wrong. You do not use office and power in that abusive way. You cannot do that. [*Desk thumping*] But as I said, the Government of this regime and in the past, they just do not care. They do not care. Whatever they want to do, they can do.

And you know what is even more alarming, I want to know if these people

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believe in God? Because I really believe there is a structure in the universe, that there is good and there is evil. And I thought the action of the Government on Christmas Eve, on Christmas Eve a couple days before the birth of Christ that we celebrate, Mr. Vice-President, the committed one of the most evil acts [*Desk thumping*] that any government could ever commit in a country [*Desk thumping*] on the 24th. Mr. Vice-President, on December 24th you serve a man who is Governor of the Central Bank with a notice of dismissal on the 24th, Christmas Eve. What kind of human personality are we dealing with here? What kind of human personality is this? You choose to get rid of a very important individual in a very important institution on Christmas Eve.

And not only that, I understand and I need clarification from the Minister of National Security. My information is that the letter to dismiss the Governor of the Central Bank, I need clarification, was deliver by the Minister of National Security. I want the Minister of National Security to tell this country what role, if any, he had to play in delivering the letter of dismissal signed by the then acting President of the Republic to dismiss the Governor of the Central Bank? I would like to know because that is the information I have received. I may be wrong. I seek clarification from the hon. Minister of National Security on this matter. I am not accusing him. I am not casting aspersion on his character. All I seek in the public interest is clarification as to whether that is so or not.

So, Mr. Vice-President, it is not in the national interest for a governor to pander to a corporate cabal. Mr. Vice-President, it is a difference—[*Interruption*]
Mr. Vice-President: Sen. Sturge, I have been hearing you for the last 15 minutes going on. I can assure you that Sen. Mark does not need any assistance. So, please, maintain some silence while he is wrapping up. Thank you. [*Desk thumping*]

Sen. W. Mark: So, Mr. Vice-President, you know, we really would like to know whether when we talked about the power of a governor of a central bank and we tried to talk about confidentiality, because many Government Members on that side repeatedly stated that confidentiality is the platform, the centrepiece of the banking system, and if there is a loss of confidentiality, all fall down. And, Mr. Vice-President, the Central Bank is not a commercial bank. The Central Bank is not a commercial bank. It is an institution that has been established by the State to look after the national interest, the public interest. Commercial banks are established to make profits. That is their *raison d'être*. That is the reason for their existence. They have no other basis for existing but to make profits, Mr. Vice-President. So the governor in his wisdom determined that there were rogue elements in the business community.

3.55 p.m.

Even the Prime Minister had to admit in a December message last year, the billions of dollars that are stashed away in commercial banks. So what they were doing, they were buying up the foreign exchange and they put it into their private accounts, hoarding. So when you cannot get foreign exchange to buy goods or to travel or to pay for your children's education or if you are sick and you need to go aboard, these corporate elements were actually accumulating and accumulating and their appetite for foreign exchange was so great that every time the Governor issued, they just ate it up and they saved it in their banking accounts. And there is nobody from the Government who is talking about the hoarding of our foreign exchange. [*Desk thumping*]

But you know what they did, they targeted, Mr. Vice-President, the messenger. So the messenger brought a message, people of Trinidad and Tobago, Government of

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Sen. Mark (cont'd)

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Trinidad and Tobago be alert, our foreign exchange is going down, it is being reduced, something has to be done about it. And he was pleading for help from the Government to do something about the evaporation, the erosion of our foreign exchange. At one stage he admitted that within, I think it was for one year, the foreign exchange that was sold by the Central Bank was accumulatively US \$1.5 billion. Where did that money go, Mr. Vice-President?

Today, you think the Governor of the Central Bank dare sell \$1.5 billion, he is giving him a little \$50million here and \$100 million there. But that is every three months, every six months and everybody quiet now. Everybody quiet, because their mission has been accomplished. They wanted to get rid of the Governor of the Central Bank who the Government accused of being incompetent, he did not qualify for the job, he did not have the experience, he did not have the qualifications and he was totally unsuitable for the job. And why must you put Rambarran in place of, and there is a fella called Sheldon Nichols. Why did you not put Sheldon Nichols? That was the argument of the Government, then in Opposition. Why you did not put a fella called Hilaire? Well, now they put him.

Mr. Vice-President, the question must be asked, who is the real Governor of the Central Bank? Who is the real Governor of the Central Bank today? Is it, the Governor called Mr. Alvin Hilaire, I think his name is if I am not mistaken, or is it, for instance, the Minister of Finance? Who is in charge of the Central Bank? Because the way how the Minister of Finance behaves one gets the impression that he is running the show at the Central Bank. And, Mr. Vice-President, I am not saying he is, but I am saying the way how he behaves one could get the impression that he is running the show at the Central Bank.

So, Mr. Vice-President, I know that my colleagues will do what they have to do,

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but I am glad that we had this debate—

Mr. Vice-President: Senator, you have five more minutes.

Sen. W. Mark: Thank you very much, Mr. Vice-President. I am glad that we had this debate. The record would show that a gentleman who was appointed on July 12, 2012 and who was supposed to leave office, properly, in 2017 was hounded out of office by an administration that had no patience to live with criticism and differences. No patience to live with criticism and differences.

I think it was Sen. Shrikissoon who made the point and he quoted extensively from past Governors including the former President, ANR Robinson, who was then Minister of Finance and he quoted several Governors talking about the tension that inevitably exists between a Governor and a Minister of Finance. But there must be a certain kind of maturity. There must be a certain kind of responsibility and you must not take things personally and that is the problem that happened with the Governor of the Central Bank, everything was taken personally and at the end of the day the country has paid a price. Make no mistake about it, Trinidad and Tobago has lost by the decision taken by this Government to dispose of a Central Bank Governor. Institution independence, compromised. Democracy has been subverted. And, Mr. Vice-President, it is only a matter of time when their patience again will run out and they will get rid of somebody else. I do not know who else is lined up to be gotten rid of, but you can bet just as the night—or the day will follow the night, and the night will follow the day, you can bet your dollar that there will be other actions and decisions taken by this Government not in the interest of the public of T&T.

So, Mr. Vice-President, in closing, all I can say is that it is regrettable, the time has come for us to review the Central Bank Act. I disagree with the Leader of

Central Bank Governor
(Condemnation Of Government's Actions) (cont'd)
Sen. Mark (cont'd)

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Government Business when he says that there is no independent bank or Central Banks in the world. I want to ask him go to Italy, I want him go to France, I want him to go to Germany, I want him to go to the European Central Bank and see the independence of those institutions and the non-interference by the politicians in the operations of those institutions. You cannot, you do not have Government interfering or a Minister of Finance telling the Governor of the European Central Bank about monetary policy. You do not have that. The provisions that we have in our legislation is dated. We have to review those things to save our institutions from another PNM assault in the future. We have to protect our institution from marauders, raiders and people who intend to penetrate the barricades that were properly erected by more civilized people in times gone by.

You think Dr. Eric Williams, may his soul rest in peace, and those people who formulated the Central Bank Act were anticipating a PNM under Dr. Keith Rowley, the hon. Prime Minister to take that action. They did not anticipate that. [*Desk thumping*] Nobody anticipated that. This is unprecedented, it never happened in our country before, never happened before and therefore we must bring legislation in a new PP administration to strengthen the Central Bank of Trinidad and Tobago. [*Desk thumping*] That is what we must do, Mr. Vice-President, because we are not expecting any changes from that side. They are dated, stagnated and they are not able to move forward with progressively.

Mr. Vice-President, with your leave, I beg to move. [*Desk thumping*]

Question put and negatived.

Sen. Mark: I am asking, hon. Vice-President, if you are going to Motion No. 2.

Mr. Vice-President: Yes, yes, yes. So hon. Senators, the debate upon which the President of the Senate had indicated she would recuse herself from has now

ended. As such I will suspend this Senate for 10 minutes to allow Madam President to resume the Chair. This Senate now stands suspended for 10 minutes.

4.05p.m.: *Sitting suspended.*

4.15 p.m.: *Sitting resumed.*

[MADAM PRESIDENT *in the Chair*]

**LEGISLATIVE FORMULA FOR PARLIAMENTARY AUTONOMY
 (ESTABLISHMENT OF A JSC)**

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

Whereas financial and administrative autonomy of Parliament is an undisputed benchmark of a true democracy;

And whereas a Joint Select Committee established during the Tenth Parliament to consider proposals for the autonomy of Parliament reported to both Houses that parliamentary autonomy should be viewed as a recalibration of the existing relationship between the Executive and the Legislature;

And whereas the Government, in adopting the 2015 Manifesto of the People's National Movement as its official policy framework, confirmed its commitment to the principles of parliamentary autonomy;

Be it resolved that a Joint Select Committee of Parliament be established to consider and report within three (3) months on a legislative formula for parliamentary autonomy in Trinidad and Tobago.

Madam President, strong Parliaments make rich democracies and the stronger Parliaments are, the more rich democracy shall be. Madam President, Trinidad and Tobago has had its Independence since 1962. And in our Constitution

which was re-crafted, recalibrated when we became a Republic in 1976 maintained the fundamental principles that governed the 1962 Constitution. And we all know the principle of the separation of the powers. There are three Arms of the State or three Organs of the state. We have the Executive Arm of the State, we have the Judicial Arm of the State and we have the Legislative Arm of the State.

These Arms are independent of each other and for democracy to flourish those organs of State whilst there are checks and balances governing their operations, must maintain a certain level of autonomy and independence. But for us to really establish autonomy and independence for our Legislative arm of the State, Madam President, it is essential that certain fundamental features consistent with our Constitution that recognizes the separation of powers be effected. The first principle that we must all accept if we want to establish parliamentary autonomy so nobody will see or view the Parliament as an adjunct or as an arm of the Executive.

The Parliament is not in the back pocket of the Executive. [*Desk thumping*] The Parliament is independent of the Executive because the Executive, Madam President, as you know, under 75(1) of our Constitution, the Executive is collectively accountable to the Parliament of the Republic of Trinidad and Tobago.

4.10 p.m.

So, Madam President, the first principle that we must adhere to, whenever we are talking about parliamentary autonomy is that ability of our Parliament to have the power and the ability to appoint its own staff. We must remove this public service model that has cramped the style and operations of our Parliament and left the Parliament at the mercy of the Public Service Commission when it comes to the employment of personnel in our Parliament.

I can tell you, Madam President, and I am sure you are discovering for yourself, that if the Parliament of this—if our Parliament did not take steps to put a number of its employees on contract and suppress positions in the public service, we would not have had the quality and richness that we experience on a professional level at the level of this Parliament in Trinidad and Tobago. [*Desk thumping*] Because, Madam President, we cannot depend on the Public Service Commission, they take forever. This Parliament, as you know, when Members demand services here, you cannot depend on the whims and fancy of a service commission that takes its time, maybe due to bureaucracy that they experience.

Sen. Khan: You could say that for the Executive too. The Public Service Commission.

Sen. W. Mark: Yes, well that is an arm of the Executive as well. Whether you like it or not, there is a link between the Executive and the service commission. So what I am arguing as a principle, and we could elaborate on that later on, is the need for the Parliament to be able to employ its own staff. That is the first principle. So we are talking about what is called administrative autonomy and independence for the Parliament.

The second principle, Madam President, that we need to focus on when we talk about parliamentary autonomy has to do with the ability of the Parliament to have its own financial independence and have its own resources. The Tobago House of Assembly seems to be more independent than the Parliament of Trinidad and Tobago. They get a block vote every quarter and when their moneys are not spent on balances or they have balances in their accounts, they put it in something they call contingencies and when you look at the history of the contingency fund which I will deal with because I want to serve notice, Madam President, I intend to

file a Motion very shortly on the THA [*Desk thumping*] and where I will expose something there that will make your stomach gripe, but this is not time for it. [*Laughter*]

So let us go to the whole issue of financial resources, being able to generate and being able to have your own resources. Would you believe that we, in this Parliament, when I say we, the Parliament belongs to the Members, the Parliament belongs to the staff and the Parliament belongs to the people of Trinidad and Tobago. So, at the end of the day, we cannot be seen as going cap in hand to the Minister of Finance for resources. The Parliament is not a government Ministry. The Parliament is not a government agency. The Parliament is not a government department. The Parliament is independent of the Government and therefore we must have the ability to have our own resources and generate our own resources and take our own decisions. Madam President, there was and there is, in fact around the world everyone is moving towards a system of what is called the establishment of corporate bodies and that is being used as a method of improving the utilization of resources, as well as enhancing the independence of the Parliament vis-à-vis the Executive and from the Executive.

I did indicate to you very early that one of the main functions of this Parliament is to hold the Executive to account. There is compelling argument that the Parliament should be allowed to discharge its constitutional functions without Government interference. Madam President, could you imagine—so far it has not happened. But if you have a very devious and unkind Minister of Finance, you know he can starve the Parliament of resources? Because the Parliament is seen in the eyes of the Minister of Finance as a Ministry, as a government agency and as a department of the Government. When the Constitution of the Republic of Trinidad

and Tobago makes it abundantly clear that the Parliament is an independent organ of State. [*Desk thumping*]

The Parliament must be treated like the—and I am happy that the Chief Justice is advocating, and the Government seems to be supportive, and I am totally in support and us here in the People's Partnership, we are in support of judicial autonomy. We support the autonomy for the Judiciary because we believe as an arm of the State, they ought to be able to control their staff, they ought to control their resources, financial and human resources, and technical resources. And you see in terms of internal governance, they must be able to determine their own internal governance structures without having to go cap in hand to the Government and if the Government wishes to support you.

You could imagine—Madam President, in which civilized democratic state you have a Parliament going to a Cabinet for approval for Members of Parliament to travel? That is a function of the Speaker and the President of the Senate. They must have the power and they must account to the Parliament and through the Parliament, to the people. So if a Cabinet does not like X or Y person, Madam President, as it has happened in the past, what is to happen? That person is not allowed to travel.

Sen. Gopee-Scoon: But you know it happened to me.

Sen. W. Mark: Well, I do not know about that. I was in another place.

Sen. Gopee-Scoon: Under you.

Sen. W. Mark: No, it was not under me. I do not approve travelling, I send Cabinet Notes at that time so do not accuse me. [*Laughter*] But anyway, I remember Ganga Singh as well was a victim of that kind of machination when the Cabinet of Mr. Patrick Manning denied Ganga Singh the right of going on a

parliamentary trip and that is wrong. Whether it happened to Paula Gopee-Scoon, the hon. Senator, or it happened to Ganga Singh, it is wrong. And I am saying that what we must do is to ensure that our Parliament is given the independence and autonomy insofar as decision-making is concerned.

Madam President: Sen. Mark, you have used 13 minutes of your time, so you have 32 more minutes, shall we take the break for tea at this stage?

Sen. W. Mark: Yes.

Madam President: So hon. Senators, we will suspend for tea and we will come back at 5.00 p.m. So we are suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam President: Sen. Mark.

Sen. W. Mark: Yes, thank you very much, Madam President. If I may continue along the lines that I stopped when we suspended proceedings. It is felt that the establishment of a corporate body would go a long way in securing the independence, effectiveness and accountability of the Parliament and promote, overall, good parliamentary governance.

If I may again advise my colleagues that the present governance structure of the Parliament of Trinidad and Tobago is similar to any government department or government agency. I indicated earlier on that the staff of Parliament are public officers or public servants or contract employees employed through the Public Service Commission and their terms and conditions of employment are determined by the Civil Service Act and where applicable the Chief Personnel Officer. Now, financial appropriations follow the same procedures established for the Ministries, requiring regular reports and requests for release of funds from the Ministry of

Finance. That is how our Parliament goes about securing funds. We go about securing funds just as any other Ministry or other government Department. We have to apply, we have to wait until we have releases and that ought not to be so.

So, Madam President, the process towards reform of the management structure of our Parliament has a long history. It commenced in 1997 when a report of the House Committee of the House of Representatives identified a need for organizational change for the Parliament which has remained largely unaltered since 1962. So we are going in to what? Is it 54 years of independence? And the same parliamentary structure, almost, that we inherited on our independence is the same arrangement and structures that we have 54 years later, we have not advanced and something is wrong although efforts have been made through various reports.

And Madam President, if I may also advise that it was in 2000, a select committee established to review a working paper of the Law Commission on the reform of the management structure of Parliament made several recommendations, including the establishment of an independent, administrative structure featuring a Parliament management board and commission. So, Madam President, since 2000, efforts were made to establish this Parliament management board and a commission to run the affairs of the Parliament. So we are talking about since 1997 and we are in 2016, so it is almost, I would say about 19 years, we have been discussing this issue of providing greater autonomy and independence for the Parliament of the Republic of Trinidad and Tobago.

Madam President, in addition, the report of a Commonwealth Parliamentary Association study group on the *Administration and Financing of Parliament* held in Tanzania and the *Commonwealth (Latimer House) Principles* which was

adopted at a Commonwealth Heads of Government Conference or meeting in Abuja, Nigeria, in 2003, both recommended that Parliaments should, either by legislation or resolution, establish corporate bodies responsible for providing services and funding for parliamentary purposes and providing for governance of the parliamentary service.

5.05 p.m.

So Madam President, since 2003, the Latimer House Principles, which were signed off by Trinidad and Tobago and a number of other Commonwealth countries promoted this question and idea of autonomy for our Parliament and we have not really made the kind of progress that we would have liked to make.

Madam President, in 2011, a cooperation agreement was signed between the Parliament of Trinidad and Tobago and the United Nations Development Programme to implement a project titled “Strengthening the Parliament of Trinidad and Tobago”. So again, in 2011, there was a cooperation agreement.

Now, the functional autonomy of Parliament was one of the key outputs of the joint project and sought to establish the clear separation of powers by eliminating the overlap and influence that currently exist between the Legislative and Executive arms of Government, particularly in the areas of recruitment and financing, Madam President.

In 2014, Madam President, if I may just fast-forward, a draft legislative proposal called the Draft Houses of Parliament Bill, 2014, was referred to a Joint Select Committee, along with a number of other reports and recommendations of the Joint Select Committee established in 2000. Madam President, the Draft Houses of Parliament Bill of 2014 proposal sought to establish an independent non-partisan Parliamentary Service Authority, managed by a board comprised of

Members of Parliament, which would be in power to govern all matters of financial and administrative policy.

So, Madam President, here the Parliament was moving in a direction to have a Parliamentary Service Authority established, made up of parliamentarians, chaired by the Speaker and be responsible for the provision of financial and administrative services through policy measures.

Madam President, the underlying principle behind the proposal is to establish a modern democracy in our country. It is untenable, Madam President, for the Executive Branch, which falls under the constitutional oversight of the Legislative Branch, that that Executive arm or body should possess the legal and administrative capacity to affect the day-to-day operations of the Legislature. And that is what we are advancing today; that we are in a period in which revolutionary changes have to be brought about if we are to re-establish—or, not to re-establish—if we are to effect the constitutional mandate as given to this Parliament as the Legislative arm of the State by the Constitution of our country.

Madam President, if we are to take responsibility for the constitutional oversight of the Executive, which represents one of the many functions that we have to execute as a Parliament, there are many other functions that we execute. We make laws. That is one of our main functions, law-making. We are also responsible for providing finance for the country. Without parliamentary approval, Madam President, the country will not be able to function. So the Parliament supplies finances to the State, and through the State to the people, through services. That is what the Appropriation Bill is all about. That is what the budget is all about. So the Parliament carries out that particular function, Madam President.

So, Madam President, it was during the Tenth Parliament that the Joint

Select Committee was established to review the draft legislative proposal. It approved a pre-policy paper entitled “Towards an Independent Parliament—Ensuring Parliament’s Functional Autonomy”. Madam President, this pre-policy paper was circulated to a wide range of stakeholders who were also invited to make submissions on the proposal. Submissions were then received from the Public Service Commission, the Office of the Chief Personnel Officer, as well as staff of the Office of the Parliament, among others.

Madam President, to show you the kind of work that was going on during the Tenth Parliament, the committee, which is the Joint Select Committee, also met with one Doctor John Patterson, a parliamentary expert on governance, who was engaged by the UNDP, in consultation with the office of the Parliament, to assist in advancing the process of functional autonomy of the Parliament of the Republic of Trinidad and Tobago.

So, Madam President, we do not have to reinvent the wheel. The work is there, and we have to move and push forward with the work, that is the Eleventh Parliament of Trinidad and Tobago.

Madam President, this Joint Select Committee was unable to complete its work before the prorogation of the Tenth Parliament and its ultimate dissolution. But a report was produced on its activities and also adopted by the Parliament, on parliamentary autonomy. A preliminary report on appropriate recommendations on parliamentary autonomy was also produced.

Madam President, the report and policy recognized that there are specific requirements for parliamentary autonomy. Parliament should be serviced by a professional staff, independent of the public service. That was one of the first principles or requirements that the report established. It should be serviced by a

professional staff, independent of the public service.

Secondly, there should be adequate resources provided to Government and non-government backbenchers in order to improve parliamentary impact and it should include provision of, among the following, training for new Members, secretarial office, library and research facilities.

Madam President, we operate in a Parliament where, in this Senate we are a one-man team, one-woman team. We have no help. We do not have a research assistant. [*Desk thumping*] We have to do all our work on our own. Which modern Parliament can function properly in that way? And it is serious work that we have to do. So we need staff. We need support. We need research facilities.

Madam President, I must tell you that I did some research, and in German Parliament today, there are over 600 professional research staff at the German Bundestag and everybody, PhD. So when a German Member of Parliament speaks in the German Bundestag they are well researched because the price of democracy is very high. It is very costly, and I am saying that we have a duty and a responsibility to ensure that our parliamentarians are provided with the resources necessary for them to perform their duties, and we need assistance. [*Desk thumping*]

It cannot be the Executive alone must have the support. The Executive—I have no problem with the Executive arm of the State. It is an independent arm. But, Madam President, so too and so we are also. We too are an independent arm and we need the resources.

So, Madam President, what we are saying is that we need training for new Members. When new Members come to Parliament, they cannot go to the University of the West Indies and learn to be a parliamentarian. The university

does not offer those kinds of courses. We have to provide those Members with the necessary training. But, Madam President, to do that we must have the ability. We must have the responsibility. We must have the resources to carry out those functions.

So Madam President, as I said, secretarial, office, library and research facilities, drafting assistance, including Private Members' Bills. We do not have a history of promoting Private Members' Bills and the reason for that, we do not have drafters in our Parliament. We do not have a properly, well-organized and staffed legal unit. There is a Legal Unit in the Parliament but there are a few members of staff. We are talking about properly, well-resourced with the appropriate manpower to help any Member of Parliament who may wish to promote a Private Members' Bill. Madam President, if we want to do that now, we have to go and beg lawyers out there to help us draft a Bill. We should not be doing that. We should have the resources within our Parliament to do that kind of work. [*Desk thumping*]

Madam President, we should establish an all-party committee of Parliament to review and administer Parliament's budget, which should not be subject to amendment by the Executive. When a serious Parliament draws up its budget and it is approved by the Members of the Parliament of that particular Parliament or the Houses of Parliament, Madam President, and we submit that to the Minister of Finance, he cannot change a full stop, a comma or a sentence, because we have taken a decision as a Parliament and the Minister of Finance is a member of the board, and he would know exactly what is involved.

So, we want to draw up our budget. We want to approve our budget and the Minister must not amend our budget. That is the kind of power we are talking

about, when you are talking about parliamentary autonomy. We must have the power to draw up our own budget and no Minister coming and tell us cut here, cut here. He is on the committee so he must know what is necessary at that time and that is why, Madam President, it is proposed that the Minister be an ex officio member of the commission.

5.20 p.m.

Madam President, parliamentary autonomy is also seen as conferring a number of specific rights and responsibilities, which include the ability to obtain appropriate financial resources; freedom of staff from external control, whether by Government or a political party. We must be able—the control of the Parliament over its estate and security arrangements; freedom of the corporate body from party politics. So, when we establish a board in the final analysis, that board must be nonpartisan, even though it is made up of Members of Parliament, and it must not be driven politically, otherwise it will not accomplish its objectives.

So, high ethical standards are needed, and we must also communicate regularly and transparently with the public. So, this matter of parliamentary autonomy is almost 20 years old. There are several reports; there are several documents; there is a legislative proposal; there is a lot of work that has been done, to put this particular institution in place. I would want to appeal to the Government in accordance with our resolution here that we agree as a Parliament to establish a joint select committee, to consider and report within three months, on a legislative formula for parliamentary autonomy in our country.

Madam President, it could be done, because the work is already there, and a serious joint select committee could accomplish that, and we have the full support of the Government, because the Government in their manifesto, which is now

Government policy, has made it abundantly clear, that it too is committed to parliamentary autonomy. So we all have agreement, Government and Opposition, and I—well, the Independent will speak for itself on the matter of autonomy, but I know the Government is committed to autonomy, and the Opposition is committed to autonomy of our Parliament.

And once we are able to get agreement, we can move with some degree of haste, in getting this particular joint select committee established, so that we can begin the work necessary, to promote and advance the kind of independence that is so needed and vital, if we are to execute the constitutional mandate, that is enshrined in our republican Constitution. We need that autonomy. We need it urgently, and I appeal to the Government to support this resolution, so that before I would say, Madam President, before the end of the second session in September 2017, we would be on the way—on our way of establishing parliamentary autonomy in our Parliament for the first time.

I beg to move. [*Desk thumping*]

Madam President: The Motion requires someone to second it.

Sen. Khadijah Ameen: Madam President, I stand to second and I reserve my right to speak at a later time.

Question proposed.

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): [*Desk thumping*] Thank you very much, Madam President. It is a pleasure and an honour to join this debate, relating to the autonomy of the people's Parliament. I had intended to start by reading the entire Motion, but two people have already done so. So I will not bother.

Madam President, this is the fourth Private Motion this House is debating;

this Senate. We started with a very commendable Motion, raised by Sen. Mark on sustainable development goals, which was unanimously passed in this Senate. Then came the cybercrime and cyberbullying Motion, that was piloted by Sen. Melissa Ramkissoon, and again, well thought out Motion, and it had the unanimous approval of this Senate. I would not say too much on the Central Bank Motion, but it is par for the course, [*Laughter*] and you know what the results are.

In the context of the sustainable development goals and the cybercrime bullying, is how I see this parliamentary autonomy. Sen. Mark rightfully said and he knows that I always like to walk with my book, [*Lifts up the PNM's manifesto*] and we are committed to implementing most, if not all of the promises that were made here. So I will just take the opportunity to read the third whereas:

“*And Whereas* the Government, in adopting the 2015 Manifesto of the People’s National Movement as its official policy framework, confirmed its commitment to the principles of parliamentary autonomy;”

Madam President, I just want to go on the record and say officially, that Sen. Mark is pushing against an open door, [*Desk thumping*] and during this term in office, we are committed that parliamentary autonomy, like many other things, will happen in Trinidad and Tobago for the first time, in conjunction with judicial, financial and administrative autonomy. [*Desk thumping*] We are committed to those two, judicial autonomy, fiscal, financial and parliamentary autonomy.

One wonders why it took 54 years to reach here, but I mean, the fact is that we are here and I give the commitment that this is going to happen. [*Desk thumping*] Let me just put this whole thing in context once again, and Sen. Mark attempted to do that. There are three arms of the State, the Executive, the Judiciary and Legislature.

Let me deal with the Executive first, because there are certain things that are cropping up its head in this society as we speak. The Executive is headed by the Prime Minister and the Cabinet. In all jurisdictions you go to, the Executive has been elected into office, and that election gives them the right to govern.

In England you have a monarchy, but the monarchy has absolutely no say in the governance of the country. In America you have an Executive President with a Senate and a Congress, but the Executive, which is the presidency and the Cabinet of the President, has the power to govern.

The Trinidad and Tobago Executive coming out of the post-colonial period, and because of the Marlborough negotiations when Dr. Williams, Dr. Capildeo, Ashford Sinanan and Lionel Seukeran among others, went up to Marlboro House, they crafted something called the Service Commissions—the Service Commissions, while the thinking behind them, we have had some validity of the time.

Sen. Mark for the first time I am hearing, saying now, the Service Commission is a hindrance to the parliamentary staff, but then it also has to be a hindrance to the Executive, because Ministries are now flooded with contract workers, and the reason for that it is because the Service Commission is accountable to no one. I will take the liberty, because I want to be careful how I tread here, to say that there is a fourth arm of Government, you know—the Office of the President.

The President in Trinidad and Tobago has more power than the Queen of England, because the Queen of England does not appoint service commissions, even the Throne Speech in the House of Commons is given to her to read. Here we have a situation where, the President appoints the Service Commissions at his own

discretion. The President appoints the Integrity Commission at his own discretion. He appoints the Equal Opportunity Commission at his own discretion, and many other aspects of it.

There is a tendency now with the SSA Bill, you all were proposing, that the Director of the SSA be appointed by the President in consultation with the Leader of the Opposition and the Prime Minister, that is defying the constitutional government structure of Trinidad and Tobago, you know? I am just making the point because one day you will lead, another day we will lead, but the Executive has to be allowed to govern, because that was what it was elected to do. [*Desk thumping*]

So we are constrained by the Police Service Commission, the Public Service Commission, the Judicial and Legal Service Commission, the Statutory Authorities Service Commission and the Teaching Service Commission. Every year through the Appropriation Bill, the Executive is authorized to spend money. It is authorized to collect money. That is where the template of the governance resides.

The Executive also has an executive authority in the operation of the state enterprise sector. So you have the Public Service; the state enterprise sector, but we are hamstrung as it relates to the Service Commission and some of the things that are appointed by the President. It is a legacy item and it is something we have to look at in the future, because today, 54 years after, we are talking about parliamentary autonomy. It was not discussed in the '60s. It was not discussed in the 1976 Republican Constitution, but now we have seen it fit to come to talk about it.

Anytime, anybody in this country speaks about the potential of abandoning the Service Commission, you are accused of wanting political interference in the

governance of the country, but everybody will admit it is the biggest stymie to productivity in Trinidad and Tobago. Because everybody admits the Service Commission is not moving in an aggressive and modern environment in terms of delivery of service. Every Ministry is constrained by that.

The Ministry of Agriculture, Land and Fisheries, there are hundreds of positions that need to be filled. When you mention it, they claim that you want to bring political interference, but you give the Minister the right, through his Permanent Secretary to employ thousands of contract workers in the Public Service. I ask the question—probably the time is approaching where we have to seriously look at the Service Commission, and their relevance into the Constitution of Trinidad and Tobago? I say no more on that.

Then there is the Judiciary. The Judiciary is responsible for the administration of justice. I do not intend to debate the Judiciary here. In essence, however, to me, it is the most important arm of the State in the context of democracy; not even the Parliament, the Judiciary, because democracy breaks down irrevocably when the judicial system is compromised. The only time you lose absolutely confidence in a society, is when the judicial system is compromised, as happened in Colombia a decade or so ago. Look how Colombia has bounced back.

So nothing is beyond repair, you know? Pastor Dottin, the Cali and the Medellín Cartel, you know about them. I used to go to Colombia when I was in energy sector in the '80s and early '90s. And as foreigner, you have to have a bodyguard, and every time you go to the office, you have to take a different route, because they will kidnap you. Today—and the Judiciary was corrupted. There were assassination of judges and what you. Today, Colombia has one of the most

booming of economy in Latin America. Colombia has now surfaced as the prime destination for tourists in Latin America, believe it or not; beautiful country. So the Judiciary is something we have to protect with our lives. I say no more on that.

5.35 p.m.

Financial autonomy for the Judiciary is something that is seriously on the card with this administration, and just as I promised the Parliament financial autonomy during the course of this term, I am almost certain that financial autonomy will come to the Judiciary even before it comes to the Parliament.

Let me deal with the Legislature now, which is our Parliament. I sourced most of my comments from this document [*Document in hand*] which was extensively quoted by Sen. Mark, but it really states the Parliament has three major responsibilities: to ensure sound and well-considered laws are passed. This is what we do here every time we meet—for rigorous and informed oversight of the Executive. This is what we do also—and, finally, to make sure that the citizens of this country are well represented by the Members of Parliament who they elected into office.

This is the same parliamentary structure we have had since 1962. On that point, Madam President, I want to give the country and the Senate this assurance also, that apart from the financial and administrative autonomy for the Parliament, which we are committed to and which will happen during this term, we also want to give this Parliament the commitment that the Parliament, during this term, will be going back to its place of birth at the Red House. [*Desk thumping*]

I know Sen. Mark was very critical when the Prime Minister decided to chair a committee for the supervision of the construction of the Red House. Whatever his reasons, our reason is that the Prime Minister has seen this as such an

important issue that he has decided to take personal responsibility for it, because what has happened in the last six or seven years is a travesty to the State, and also the President's House. The Prime Minister has taken personal responsibility to supervise those two projects.

What kind of country are we when our President has to live in an apartment in Flagstaff and you have a President's House that was majestically constructed during the colonial period with marble and limestone? All you see year in, year out is a big shed over it with scaffolding. The scaffolding contractor must be make more money than the cost of the President House and the Red House. Sen. Sinanan always brings that to my attention, that the scaffolding contractor at the Red House probably is a multi-millionaire, as we speak, on scaffolding alone. So we will bring financial autonomy, we will bring back a home for the Red House—[*Desk thumping*]*]*—for the Parliament in the Red House.

Because having been in the Red House Parliament Chamber, I mean every time I come and I see this roof so low I feel to cry, because if I was a tall person, I would have had to duck, because when you look at the arch and the dome of the parliamentary Chamber it is majestic, and this building was not constructed for a Parliament. This building was constructed as an International Financial Centre, and it will revert to that. Cabildo Chambers, which is now the Office of the Attorney General, will be now the supporting building for the parliamentary staff as we move back into the Red House, on the other side of St. Vincent Street, the parliamentary staff will be there.

Hon. Senator: Where is the AG going?

Sen. The Hon. F. Khan: The AG is going to the new towers, the Legal Affairs building. As we speak, the Ministry of Education Towers was opened today [*Desk*

thumping] and I want to congratulate the Minister of Public Administration [*Desk thumping*] and the Minister of Education for that, and the next towers that will be occupied will be the Ministry of Legal Affairs and the Office of the Attorney General. [*Desk thumping*] Before the end of this year, we will start retrofitting the Cabildo Chambers to host the parliamentary staff.

I just want to make another plug here for Trinidad and Tobago's Constitution. In terms of passing of laws, because the first role of the Parliament is to ensure sound and well-considered laws are passed. In terms of passing laws, Madam President, the Trinidad and Tobago Parliament is probably one of the most best structured Parliament in the world, and let me quote some examples for you.

In the Lower House, you must have a Government and you must have an Opposition. By definition, the Government has more seats than the Opposition. So when a Bill requires a simple majority, it is smooth sailing in the House, except somebody decides to break ranks and then there is always the whip.

For special majority, you need two-thirds, three-fifths, three-quarters and that has its own dynamics down there in getting the Opposition support. As we come to the Senate, it is a point I have made and I will repeat myself today. If you check how the Senate is composed, the Senate is composed of 16 Government Senators, one of which will be elevated to the position of President of the Senate, which leaves 15 of us here—six Opposition Senators and nine Independent Senators—nine and six is 15. So it is 15 against 15 in the context of debate. So it is incumbent upon the Government, in debating its Bills, to try to convince at least one or several—[*Interruption*]

Madam President: Sen. Ameen, Sen. Sturge, your voices are now starting to drown out the speaker. Continue Leader of Government Business. **Sen. The Hon.**

F. Khan: So it is our duty to convince, because if as a Government, and we are bringing a Bill to Parliament and there are nine Independent Senators, and we cannot convince one of them to vote for the Bill, we have to assume something is wrong with the Bill. It is just simple logic. And while we will prefer unanimity or, at least, to convince five out of the nine or six out of the nine as the case may be, because everybody has their own judgment, I, personally, as Leader of Government Business in the Senate, do not like the situation where I have one and two Independent Senators voting for me. I would obviously want to have it much more than that.

But the point I want to make, Madam President, is when a Bill with a special majority comes to this Senate, for a three-fifths majority we need 18 votes, 15 plus three. If it comes for a two-thirds majority, we need 20 votes, 15 plus five; and it comes for a three-quarters majority, you need 22 votes, which is seven. Now, here is where this thing is so solid.

If for whatever reason you have a three-quarters majority Bill, which is hitting at the heart of the Constitution—very few clauses go for three-quarts—and let us say per chance there is some collusion between the Government and the Opposition—everything is possible in love and war, good. Let us say there is some collusion between the Government and the Opposition—15 and six is 21. The Independents will be the great adjudicator on that special majority Bill of three-quarters. Most of you have not really seen it like this over the years, but this is the numeric of the Senate. I praise Sir Ellis Clarke and his team for drafting [*Desk thumping*] what was a wonderful and well thought out Republican Constitution. Now I will deal with oversight of the Executive. Parliament's three sound and well-considered laws, I have dealt with that. Rigorous oversight of the Executive:

the problem we have in this Parliament and in Parliaments like these for oversight is that the backbench is not big. In the UK, 300-and-something members of Parliament, the Cabinet is the same size as the UNC Cabinet, 30-something. It is a “lil” bigger than ours, but you have a big backbench that you can do this.

As a matter of fact, I do not want to get too political and critical, in the last UNC Cabinet, every single—this is probably the first time it happened in the history of Trinidad and Tobago politics and Cabinet—Member of the House and Member of the Senate formed part of the Government. Let me repeat that Madam President. Every single Member of the House of Representatives, whether it is Minister, Parliamentary Secretary or Minister of State, and every single Member of the Senate formed part of the Executive. Look, today, check our model, it is different. There are only five Cabinet Ministers in the Senate with one Parliamentary Secretary. We have a backbench that we can utilize to provide oversight to the Executive. [*Crosstalk*] Okay?

In that context, Madam President, I want to compliment the Parliament for the progress it has made over the last several years. I will take the liberty, you know, I am a fair person, to compliment Sen. Mark when he was Speaker of the House in doing the new Standing Orders. The new Standing Orders cater for Prime Minister’s question time, it caters for Urgent Questions although I still have a difficulty in one hour before the urgent but—sometimes your Ministers may not be in the jurisdiction and what have you so you have people substituting, but the concept of Urgent Questions I think is valid. The idea of you cannot defer questions for more than two weeks or one deferral or two one-week deferral is a step in the right direction. Because I remember in the last Parliament that I sat in, questions were deferred ad infinitum, and also the Joint Select Committees and the

system of Joint Select Committees.

I just want to go on record, Madam President, and say that I think the Joint Select Committee system is working extremely well. There are 14 Joint Select Committees. I just want to comment, it has been a contentious point, but I think we are getting over that. It is the thinking that Joint Select Committees should be chaired by either the Opposition or the Independent. Where the Standing Orders so provide, the Public Accounts Committee, the Public Accounts (Enterprises) Committee is chaired by the Opposition. Most of the other committees are chaired by Independents. Where the Standing Orders were silent, the Government took the opportunity to appoint chairmen for four committees: committee on national security, committee on energy affairs, committee on foreign affairs and the committee on human rights, equality and diversity.

I just want to go on the record, Madam President, in saying that on these committees and in all the Joint Select Committees, no member of this Government can be accused of deliberately trying to protect the Executive. On the Standing Committee of Energy which Colm Imbert, Minister of Finance is the Chairman, I am the Vice-Chairman, we have been the first to bring bp under the radar, and to speak about all these tax write-offs they were getting. We who made it public. Land and infrastructure chaired by Sen. Creese, we all contribute. And most importantly, I mean, let me give my colleague, the Minister of Agriculture, Land and Fisheries—it was at a Joint Select Committee that the whole issue of chicken and who selling five-year-old chicken and couple things—and he is the Minister of Agriculture, Land and Fisheries in conjunction with the Ministry of Trade and Industry. Nothing was hidden from people. It is we, as a Government, who brought that to the fore and today now the situation is being regularized.

So it is wrong to assume that because we are part of the Executive, we will not do our responsibility to the Parliament. Because when we sit on a Joint Select Committee, we sit here as Members of Parliament doing a job. Obviously, you cannot be sitting on a joint select committee where you are the line Minister that is a conflict of interest. But I can give this Senate the assurance that in our work on the Joint Select Committees, we would be doing our job in a way that does not jeopardize our integrity.

Finally, Madam President, the Parliament's responsibility is to make sure the Members of Parliament do a proper job in terms of representing the people. And, again, I want to compliment the Parliament, over the last five or so seven years, where new systems have been put in place. Now most Members of Parliament can have one main office and two sub-offices. So most Members of Parliament can have up to three offices in the constituency. We have MP staff, there is proper signage, signage that is apolitical. I just want to compliment the Parliament again in making an extra effort to make sure that MPs' offices are not political offices.

5.50 p.m.

A PNM MP's office is not a PNM constituency office, and the same token, a UNC constituency office, Member of Parliament, is not a UNC office. I just want to—again, I think I hold the Parliament responsible for this, the Member of Parliament for Fyzabad had his office painted in UNC yellow, okay. Recently I saw that it has been repainted, and he is still a UNC MP. But I am almost sure that has been initiated by the Parliament, because at the level of representation we have to give the voters and the population, and the community the impression and the assurances that as Members of Parliament, although we are not elected Members of Parliament, that you are independent and you are willing to treat everybody free

and fair.

Another point of the Parliament, and this is a PNM proposition which we hope again to implement in this year—not in this year, in this term, is the issue of the accounting office, because—[*Technical device goes off*]

Madam President: Hon. Senators, there is a Standing Order about the use of electronic devices. Guidelines have also been issued about the use of electronic devices. Where must we go from here? We are all adults, and hopefully with those guidelines and reading and understanding of the Standing Orders we understand how to conduct ourselves in the Chamber. So, could I please ask that all of those electronic devices you put them on silent, okay. Continue, Leader of Government Business.

Sen. The Hon. F. Khan: Yes, Madam President, the accounting office, because to me this is a very innovative idea that has really found root in this PNM administration. You see, because no matter how impressive the Joint Select Committees work their oversight is post facto. So when the Auditor General submits a report, and it was very well articulated by Sen. Creese, it is 10 years old. You are debating the administrative report of a corporation for 2007, 2008, 2009. It is on an academic exercise because the players, they are no longer even in the job so you cannot even hold a physical person accountable. The person who is coming to defend the report has had absolutely no bearing on what is there in the report. So all these Joint Select Committees are post facto, Auditor General's report, and when you bring them to account it is a post facto accounting.

What this accounting officer is trying to do is give a sort of online monitoring process. So you can have actual ongoing audits, as a Member of Parliament you can raise issue with a contract. You must know when you visit a

place if a contract has gone haywire, you know, you just see equipment start to dismantle, you just see the work stop, and then you can bring that to the accounting officer and it will be investigated immediately. So you can nip issues in the bud, and to me this has a tremendous amount of strength because it will stop wastage, it will stop leakage, and, hopefully, it will stop potential corruption. So to me this is the most innovative aspect of this new parliamentary agenda, the creation of this accounting office where it could provide online monitoring, not in real time but in a reasonable time within the fiscal year. So you do not have to come to post facto accounting, like even say the Finance Committee meetings of the House which reviews the budget after the budget cycle has been finished.

Madam President, I just want to go on record to say today, “and I does be brave in saying some of these things”, but I think the Parliament has improved tremendously, [*Desk thumping*] and I will go even further to say that in the entire public service, I think the Parliament has the most professional staff and professional [*Desk thumping*] group of people. The issue of financial autonomy, Madam President, has been well articulated here.

I would just read from this document, page 37; the relevant legislation should include provisions for, one—and Sen. Mark articulated this—“a Parliament Service Authority”, which is “the form of a body corporate and an Authority Board with appropriate membership”, vis-à-vis Opposition, Independent, and Government. “Vesting the Authority”—with—“land, property, rights, assets, obligations of the former department”; “Powers and functions for the Authority enabling it to fulfill”—its—“policy set out above”; the Clerk of the House—this legislation is proposing the Clerk of the House to be appointed by the President in consultation with the Prime Minister and the Leader of the Opposition. I have no

major objection to that.

It calls for the creation of a Houses of Parliament Service Authority Fund, which is an instrument in which you can get your grant, and we will work out the matrix and the algorithm as to how you allocate the fund, whether it has a tribunal as Tobago 4 per cent, or whether the Parliament will be entitled to 2 per cent of the national budget, because Sen. Mark was bravado in saying, what the Parliament put to the Government they cannot change a comma, a dot to an “i”, but the Parliament does not raise revenue. So the Executive has a responsibility to the population to manage the revenue versus expenditure.

So I know he was in gusto and, you know, he gets animated when he speaks about this matter, but will we have to find a formula that is reasonable in the context of our current environment. “An Authority bank account or accounts”, and “The Clerk to prepare and the Authority to approve Estimates for inclusion”, and et cetera; “The employment, transfer,”—and—“secondment of staff”—to the—“Parliament”. I agree with him totally. I am a Member of the Cabinet and travelling must come to the Cabinet for approval; to me that is not necessary, okay. The Parliament is led by a Speaker, a President of the Senate, a Clerk of the House, a Clerk of the Senate. These are very, very competent people, okay, and there is absolutely no problem in handing over autonomy.

I just want to quote from page 53, General Conclusions:

“The ultimate purpose of autonomy is to ensure that”—the—“parliament better fulfils its ‘core’ function...”

make—“parliament ‘autonomous’...”

Autonomy flourishes in a parliamentary culture of high ethical standards...

...day-to-day impact of”—the—“autonomy falls on the official

parliamentary administration.”—et cetera, et cetera.

Madam President, I want to go on record to say that this administration supports, in its entirety, the idea of autonomy of the Parliament of Trinidad and Tobago. The constraints that we presently have hopefully will no longer be there. I want to close by quoting the strategic plan statement from the House of Commons, and it says, the key part of the strategy includes the following, and I quote:

“Our VISION is that:

The House of Commons will be valued as the central institution in our democracy: effective in holding the Government to account, scrutinising legislation, and representing the diverse views of the electorate. It will be seen both in the UK and abroad as a model of good practice and innovation, and will provide value for money.

Members of Parliament will have the information, advice, support and technology they need to be effective in their work and to engage closely with their constituents.”

I will now, finally, Madam President, paraphrase this:

Our vision is that the Parliament of the Republic of Trinidad and Tobago would be valued as a central institution of our democracy, effective in holding the Government to account, scrutinizing legislation, and representing the diverse views of the electorate. It will be seen both in Trinidad and Tobago and abroad as a model of good practice and innovation, and will provide value for money.

Members of Parliament will have the information, advice, support and technology they need to be effective in their work and to engage closely with their constituents.

Madam President, the Government will support this Motion, and with that, I thank you very much. [*Desk thumping*]

Madam President: Leader of Government Business.

ADJOURNMENT

The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan): Madam President, I beg to move that this Senate do now adjourn to Tuesday 05, July, 2016, at 1.30 p.m.

Sen. Mahabir: No! No! Madam President, no, Standing Order 13. Madam President, Standing Order 13.

Sen. The Hon. Khan: We have had an interpretation.

Madam President: First of all, can Madam President put the Motion? Can I be allowed to? Thank you. Hon. Senators, before I put the Motion I can anticipate that there is some debate about the Standing Order 13, and—Leader of Government Business, have you spoken to the Bench leaders to just discuss what you proposed to be doing on Tuesday?

Sen. The Hon. Khan: No, not really. The House is sitting on Friday on the Bail (Amdt.) Bill, and if it is passed, it is our intention to debate that Bill next week Tuesday.

Madam President: I am going to suspend for five minutes just to allow some discussion to take place. I am listening to what the Leader of Government Business has said, I would ask everyone to just have a look at Standing Order 13, have some discussion among the Benches. I will come back, five minutes will be enough, so we will suspend for five minutes.

6.01 p.m.: *Sitting suspended.*

6.06 p.m.: *Sitting resumed.*

Madam President: Hon. Senators, I understand that discussions are ongoing so I will suspend for a further 15 minutes.

6.07 p.m.: *Sitting suspended.*

6.41p.m.: *Sitting resumed.*

Sen. The Hon. F. Khan: Madam President, I beg to move that this Senate do now adjourn to Tuesday, July 05, 2016 at 1.30 p.m. During that sitting we will be dealing with the Bail (Amdt.) Bill and time permitting, we will be handling the two Motions under Committee Business, the first one dealing with the Joint Select Committee on Government Assurances and the other one is the First Report of the Senate Standing Orders Committee, First Session 2015/2016 of the Eleventh Parliament.

Madam President: Hon. Senators, before I put the Motion to adjourn to the Senate, there has clearly been some debate about the meaning of the words in Standing Order 13. I have read Standing Order 13 and having read it, clearly I am of the view that it requires an interpretation because the wording is unclear. And the words “first week” do not convey an actual date. So in my view, hon. Senators, adjourning to the July 05th is adjourning to a date in the first week of July. Yes?

So that is my interpretation of it. I will now put—so that to adjourn to July 05th falls within, it does not infringe Standing Order 13. Okay? Sen. Ameen, you want me to repeat it? The words in the Standing Order say that:

“...no sitting...shall be held from the first week in month of July...”

Those words do not—“the first week in the month of July” is not a specific date. So adjourning to the date that has been suggested July 05th, does not infringe these words because you are adjourning to a date in the first week in month of July. Okay? So I shall now put the Motion to the Senate.

Hon. Senators, the question is that this Senate do now adjourn to Tuesday,

Adjournment

July 05, 2016 at 1.30p.m.

Question put.

The Senate divided: Ayes 16 Noes 13

AYES

Khan, Hon. F.

Gopee-Scoon, Hon. P.

Baptiste-Primus, Hon. J.

Rambharat, Hon. C.

Henry, Dr. L.

Moses, Hon. D.

Singh, A.

Budhu, Miss S.

Coppin, W. M.

Cummings, F.

Baksh, Miss A.

De Freitas, N.

Dookie, D.

Sinanan, R.

Mohammed, I.

Sydney, A.

NOES

Mark, W.

Solomon, D.

Ameen, Miss K.

Sturge, W.

Samuel, R.

Adjournment

Ramdeen, G.

Mahabir, Dr. D.

Shrikissoon, T.

Ramkissoon, Miss M.

Creese, S.

Raffoul, Miss J.

Richards, P.

Dottin, C.

Madam President: So the Motion to adjourn to July 05th has been carried.

May I just say one thing, two things actually. Every Senator is entitled to his or her own vote. So sometimes I am hearing comments coming from certain Senators when other Senators vote and that is unacceptable. That is the first thing.

The second thing is clearly this issue of Standing Order 13 should be looked at by the Standing Orders Committee when we move into the next session of Parliament. Okay? And it will be instructive for Senators to go back and understand what was the reasoning that led to this Standing Order being incorporated. It is a new Standing Order for Senators. So that all Senators will understand where the Standing Orders, how they came to be. Okay.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.48p.m.