

SENATE

Tuesday, February 14, 2017

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 Sen. The Hon. Rohan Sinanan and Sen. Wade Mark, both of whom are out of the country.

SENATORS' APPOINTMENT

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

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Senator

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

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

TO: MS. AYANNA LEEBA LEWIS

In exercise of the power vested in me by section 40(2)(a) of the Constitution of the Republic of Trinidad and Tobago, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, acting in

accordance with the advice of the Prime Minister, do hereby appoint you, AYANNA LEEBA LEWIS, as a Senator, with effect from 14th February, 2017.

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 14th day of February, 2017."

“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 Rohan Sinanan 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)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, IMRAN MOHAMMED, to be temporarily a member of the Senate, with effect from 14th February, 2017 and continuing during the absence from Trinidad and Tobago of the said Senator Rohan Sinanan.

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 14th day of
February, 2017.”

“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: MS. RACQUEL GHANY

WHEREAS Senator WADE MARK 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 Republic of Trinidad
and Tobago, acting in accordance with the advice of the Leader of the
Opposition, do hereby appoint you, RACQUEL GHANY to be temporarily a
member of the Senate, with effect from 14th February, 2017 and continuing
during the absence from Trinidad and Tobago of the said Senator Wade Mark.

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 14th day of February, 2017.”

OATH OF ALLEGIANCE

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

Ayanna Leeba Lewis, Imran Mohammed and Racquel Ghany.

JOINT SELECT COMMITTEE

TAX INFORMATION EXCHANGE AGREEMENTS BILL, 2016

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

February 13, 2017

Dear President of the Senate

Joint Select Committee on the Tax Information Exchange Agreements Bill, 2016

At a sitting held on Monday, February 13, 2017, the House of Representatives agreed to the following Motion:

Be it resolved that this House adopt the Report of the Joint Select Committee Appointed to Consider and Report on the Tax Information Exchange Agreements Bill, 2016 as an interim report and the time be extended for the Joint Select Committee to complete its work and report to the House by Thursday, February 23, 2017.

Accordingly, I respectfully request that the Senate be informed of this decision at the earliest convenience, please.

Respectfully,

Bridgid Mary Annisette-George

Speaker of the House

PAPERS LAID

1. Annual Audited Financial Statements of MIC - Institute of Technology (MIC-IT) formerly Metal Industries Company Limited, for the financial year ended September 30, 2015. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
2. Ministerial Response of the Ministry of Works and Transport to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Sen. The Hon. P. Gopee-Scoon*]
3. Response of the Trinidad and Tobago Police Service to the First Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Support Programmes and Services for Children whose Parent or Guardian was the Perpetrator or Victim of a Violent Offence. [*Sen. The Hon. P. Gopee-Scoon*]
4. Second 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 ended December 31, 2008. [*Sen. The Hon. P. Gopee-Scoon*]
5. 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 ended December 31, 2009. [*Sen. The Hon. P. Gopee-Scoon*]
6. 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 ended December 31, 2010. [*Sen. The Hon. P. Gopee-Scoon*]

7. 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 ended December 31, 2011. [*Sen. The Hon. P. Gopee-Scoon*]
8. 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 ended December 31, 2012. [*Sen. The Hon. P. Gopee-Scoon*]
9. Response of the Tax Appeal Board to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*The Vice-President (Sen. Nigel De Freitas)*]
10. Response of the Personnel Department to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Sen. N. De Freitas*]
11. Response of the Chief Administrator, Tobago House of Assembly to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme – Consolidated Fund and Infrastructure Development Fund. [*Sen. N. De Freitas*]

URGENT QUESTION

Reports of Sinking Parts of North Stand

(Details of)

Sen. Paul Richards: To the hon. Minister of Community Development, Culture and the Arts: Are the reports about parts of the North Stand sinking accurate, and if so, was an assessment done to determine the cause of this?

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam President. Madam President, I am pleased to report to this honourable Senate that those allegations simply are not true. [*Desk thumping*]

Sen. Richards: Thank you, Madam President. Have there been any reports of any untoward activity posing safety threats to patrons at Sunday's Panorama semi-finals?
Hon. Dr. N. Gadsby-Dolly: Madam President, thank you. To the contrary, there have been no reports of any safety incidents posed or any unsafe incidents posed to patrons at the North Stand during the semi-finals of the Panorama Competition.

ORAL ANSWERS TO QUESTIONS

Sen. Khadijah Ameen: Madam President, there are some questions in the name of Sen. Wade Mark. Because he is out of the country, we would like to have it re-scheduled for when he is back. However, I do have some other questions in my name.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you. Madam President, we are in agreement to the deferral until next week of those questions on the Order Paper that were posed in the name of Sen. Mark, who is away today. I do not believe that there are any other questions which have been approved for today.

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

Victims of Domestic Violence

(Accommodation for)

19. Could the hon. Prime Minister state:

What steps are being taken by Government to provide accommodation for victims of domestic violence?

National Gas Company

(BGTT's Natural Gas Sales Percentage to)

25. Could the hon. Minister of Energy and Energy Industries state:

What is the percentage of BGTT's total natural gas sales made to the National Gas Company of Trinidad and Tobago? **Petrotrin**

(Details of Royalties)

26. Could the hon. Minister of Energy and Energy Industries state:

- (a) Does Petrotrin owe the State any royalties related to the production and monetisation of crude oil and condensate?
- (b) If the answer to (a) is in the affirmative, can the Minister state the amount owed and for what period was the liability incurred?

Petrotrin's Taxes

(Details of)

27. Could the hon. Minister of Energy and Energy Industries state:

- (a) Does Petrotrin owe the Board of Inland Revenue any taxes related to the production and monetisation of crude oil and condensate?
- (b) If the answer to (a) is in the affirmative, can the Minister state the amount owed and for what period was the liability incurred?

Questions, by leave, deferred.

JOINT SELECT COMMITTEE

TAX INFORMATION EXCHANGE AGREEMENTS BILL, 2016

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

Thank you, Madam President. Having noted that the Report of the Joint Select Committee appointed on the Tax Information Exchange Agreements Bill, 2016 is to be treated as an interim report:

Be it resolved that the Senate extend the time for the Joint Select Committee to complete its work to Thursday, February 23, 2017.

Question put and agreed to.

LEGISLATIVE RETIREMENT ALLOWANCES ACT**(INCLUSION OF ALL SENATORS)**

[Second Day]

Sen. Sophia Chote SC: Thank you very much, Madam President. On the 31st of January, in this honourable Chamber, we began a discussion on a Private Motion brought by Sen. Mahabir, and just so that we can refocus, I will remind us of the more important parts of it.

The Motion asked that Senators without portfolio in the Parliament of Trinidad and Tobago perform all the functions of legislators in discharging their parliamentary obligations; that the legislative retirement allowances Act, Chap. 2:03, be amended to include all Senators within the definition of legislators and, three, to call upon the Government to present the required legislative amendment to the Parliament before the end of the Second Session.

I begin by saying that I fully support the Motion proposed and I wish to make a few brief points with respect to some of the comments made by other speakers, and in particular by those speakers who oppose the Motion.

I think my colleague Sen. Ramkissoon put me on the right track by doing her homework and looking at the history of how this matter came to be here, and when I looked at what has been done from 2014 to 2016, it seems to me as though there

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(Amdt. of) (cont'd)
Sen. Chote SC (cont'd)

has been a thrust towards treating all legislators equally, contrary to what we have heard from speakers on the other side, and I will give the reasons why I say so.

In the first place, in 2014, our Prime Minister, our hon. Prime Minister, Dr. Keith Rowley, advised the country, and it was reported in the *Trinidad Express* newspapers on the 25th of March, 2014, that he had written to His Excellency, President Anthony Carmona, asking, in accordance with the powers conferred on his office by virtue of section 140, that the President immediately request the Salaries Review Commission (SRC) to undertake this urgent review of the salaries and other terms of office of non-Executive MPs in time for the July/August implementation of the Revised Standing Orders of the House of Representatives. Prime Minister Rowley, who was then in Opposition, said that should he become Prime Minister these matters affecting the Parliament would be addressed.

Now, I refer to that to basically ask the question whether there has been in fact any sort of commitment, as we had been advised about in this honourable Chamber, by the Government to oppose any review of the terms and conditions of legislators, because it may be that I got it wrong. It is quite possible, but I distinctly recall the hon. Sen. Clarence Rambharat telling this honourable Chamber that he believed that the course of action had already been agreed upon, that the Salaries Review Commission was the right place for it, and we the legislators should await the outcome of the deliberations of the Salaries Review Commission. Now, that is fine. I follow all of that. But he went on to say that the Prime Minister has been on record as saying this is not an appropriate time to be dealing with the issue of compensation and the improvement in benefits.

Now, it could be that the hon. Sen. Rambharat was, perhaps, speaking of

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(Amdt. of) (cont'd)
Sen. Chote SC (cont'd)

something said by the hon. Prime Minister in the context of party politics, as opposed to in the context of parliamentary work. Because I certainly have found no record of the Prime Minister making the kind of commitment to which my hon. friend referred. Again, I am sure that he had researched the issue and will be able to clarify the point, if he wishes.

Sen. Rambharat: Madam President, the point I made, I made two points. One is that the matter rests with the SRC and is already being addressed by the SRC. And I made my point in relation to the fundamental point of whether the work of parliamentarians, whether that work is full time or part time and I said my understanding was that the issue of compensation and benefits would flow from that and that matter is properly before the SRC, in my view.

On the second issue of what the Prime Minister said, we understand that while the SRC may make a recommendation, ultimately there are other decision makers involved in the report of the SRC. And I said in relation to the Prime Minister, that the Prime Minister is already on record as saying the matter of compensation, given the economic circumstances of the country, is not something that he was minded to deal with at that time. Of course, it does not mean that the issue of compensation would not be addressed, but I was speaking in a particular context, in which the Prime Minister made his statement. Thank you.

Sen. S. Chote SC: Thank you, Madam President, and I thank my colleague for making the statement which he has. But I cannot say that it affords me any kind of comfort at all. Because this Motion is basically asking us as legislators to create or to allow for, or to pass a change in the law. This Motion involves an action which cannot be lawfully undertaken by the Salaries Review Commission, with all due

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(Amdt. of) (cont'd)
Sen. Chote SC (cont'd)

respect. [*Desk thumping*]

Now, I also had a look at what my colleague Sen. Small, had to say on the last occasion and quite frankly, at the end of the last hearing, I thought that there would be very little left for me to say because he covered the area so comprehensively.

Perhaps, members of the public ought to know what we, as Independent Senators, and also Members of Parliament without portfolio, what we are required to do. When we sit here, it does not mean that we sit here for a few hours and that is the end of the work that we do. We participate in select committees. We chair Joint Select Committees. We supervise teams which prepare reports. At the committee stage we do our research, because we do not have persons assigned to us individually, nor do we have a supporting party structure which would allow us to have that depth of, I suppose, resources.

So when members of the public look at us standing here making a presentation, basically we are speaking, after having done dozens of hours of work and research, not only on the legislation before us but on matters which are being considered by parliamentary committees, and I certainly do think that the impression that I got, when I heard the response of hon. Sen. Rambharat, that what we do here was being devalued. I never understood that I am here as any part-time worker, because the work I do, I give it my best effort and I think that that is true of every single Independent Senator here.

We are not here cap in hand asking for a pay hike. In fact, I was surprised at the suggestion that that is why we were here. I thought Dr. Mahabir, when he had made his speech in proposing the Motion, had made it quite clear that we were not

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(Amdt. of) (cont'd)
Sen. Chote SC (cont'd)

here talking about a rise in pay at the end of the month. That trivializes what we are saying here. What we are asking for is for a more fundamental change in the law, which can only be done by us and what we are asking for is that a Senator who has served in this Chamber for a considerable period of time simply be allowed to contribute to the pension fund so that that person may benefit from the pension fund.

Sen. Small made it quite clear when he made his contribution that none of us here is likely to be the beneficiaries of that, but you do not look at the people concerned. You look at the big picture. And I think it is grossly unfair to suggest that any Senator who has served in this honourable Chamber for that period of time should not have that kind of benefit accrued to him when he leaves this Chamber.

Now, what also caused me, I must say, some concern is that on the 21st of June, 2016, the *Trinidad Guardian*—so that is just six/seven months ago—published a report written by Richard Lord, which spoke about a Salaries Review Commission consultant meeting with senior Government and Opposition MPs to initiate the process for the pay hike and the report goes on to mention the attendees at that meeting. If anyone wishes, they of course can search it up. It is a publication of the 21st of June, 2016 Suffice it to say that Members of both sides were present at that meeting and it also said that an employee of the Hay Group solicited the views of those present on the need for a pay hike.

2.00 p.m.

The *Guardian* wrote that it understood that both Government and Opposition MPs came out in favour of the pay hike. So, again, I am a little confused at what is reported here—although I accept that it may not necessarily be

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(Amdt. of) (cont'd)
Sen. Chote SC (cont'd)

accurate—and what we are being told in the Chamber. In any event, whatever talks were held with respect to pay hikes between the Government Members and the Opposition Members, I respectfully say that is not our concern. [*Desk thumping*] Our concern is an entirely different issue which can only be addressed by a change in the law and only legislators—I am presumptuous enough to think of myself as one when I vote in this honourable Chamber—have the power under our Constitution to change the law.

So having said these few words, Madam President, may I simply say that I entirely support the Motion proposed by Sen. Mahabir. [*Desk thumping*]

Madam President: Before I recognize the next speaker, on an oversight on my part, I did not make this announcement which is that:

The debate on the Motion which was in progress when the Senate adjourned on Tuesday, January 31, 2017 will be resumed.

Order read for resuming adjourned debate on question [January 31, 2017]:

And just for those who are listening on the radio and want some sort of context, I am just going to read the final recital:

And be it further resolved that this Senate call upon the Government to present the required legislative amendment to the Parliament before the end of the Second Session (2016-2017).

Question again proposed.

Again, I apologize. Acting Leader of Government Business, Minister of Trade and Industry.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you, Madam President. Sen. the Hon. Jennifer Baptiste-Primus

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Sen. The Hon. P. Gopee-Scoon (cont'd)

thought that what you had forgotten to say was Happy Valentine's Day to all of us in here. [Laughter] At most times, there is a lot of love flowing. Right? But I am pleased to join this debate.

In this Motion the issue, the key issue is that the legislative retirement allowances Act, Chap. 2:03, be amended to include all Senators within the definition of legislators and that such amendment be done before the end of Second Session (2016-2017). It seems to me, Madam President, that the mover of the Motion would like this done with some urgency and with some haste by the end of the Second Session.

So the question is: is this a valid issue? That is the key issue to which we speak. I would pass on the view that it is. I think that it does in fact, deserve some consideration, but only though not in the context in which it was brought and, certainly, not in the manner in which it was cloaked; definitely not at this time in terms of the economy not being in the best of health and, certainly, not when the SRC is doing its work. The Parliament has commissioned, as has been advised to all of us in this Senate, about the further research being done on the entire question of pension at this time by the Hay Group. It is anticipated that the Hay Group will be reporting to the Parliament, I would believe, in due course, but I cannot see it being much further delayed.

Quite frankly, Sen. Mahabir, through you, Madam President, I do consider that this Motion appears to have lost a limb, and I would tell you why I have come to that conclusion. I look at limbs one and two which read:

“Whereas Trinidad and Tobago is a signatory since 1970 to the 1958 ILO Convention C111, on discrimination in respect of Employment and

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Sen. The Hon. P. Gopee-Scoon (cont'd)

Occupation;”

And then it goes into:

“...the principle of the elimination of all forms of discrimination in the workplace is an established policy position of the Government of Trinidad and Tobago;”

It appears then that this Motion is predicated on the notion that Senators without portfolio are being discriminated in the workplace. And, of course, I want to say that out of the hesitation that this proposition is unfounded and has already been dealt with by the hon. Sen. Jennifer Baptiste-Primus who has in fact debunked this notion and these two limbs and she has stated very clearly —and if I refer to the *Hansard* of that day—that:

“...discrimination in employment only occurs if it is in relation to race, sex, ethnicity, disability, religion, marital status and origin which is inclusive of geographical origin.”

And, therefore, in order to prove that this has been a matter of discrimination or a question of being treated less favourably in one of the four categories of employment, education, provision of accommodation or provision of goods and services that it must be in relation to one of those items, one of those seven items referred to earlier which would be the question of sex, race, ethnicity, origin, religion and I believe marital status and that situation does not arise. So I consider that notion as put forward by the hon. Senator and those two limbs have been completely debunked by my colleague to my right.

And then I look at limbs three and four and these relate to:

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Sen. The Hon. P. Gopee-Scoon (cont'd)

“...Senators without portfolio in the Parliament of Trinidad and Tobago, perform all the functions of legislators in discharging their Parliamentary obligations;”

And further going on to say:

“...that the legislative retirement allowances Act Chapter 2.03, be amended to include all Senators within the definition of legislators;”

Madam President, there is a history to this, which was brought forward in a Bill in 2014, and it sought to deal with this matter, but not this matter alone, other matters as well. So it was just one item. I think it was clause 8 of that Bill, and it sought to alter the Act to make the office of Senator a specified legislative office thereby including Senators in the definition of legislators. So it really was before the Lower House. I would speak to the history of that because it is quite relevant to this debate later on. But, again, it was not in isolation. It came in the context of the question of pensions of both parliamentarians and also the Judiciary. I am going to come to it later.

Limb five now speaks to the issue at hand which is the legislative amendment required. So it is discrimination in the workplace, the fact of the inclusion of all Senators within the definition of legislators and let us amend. Two of the Senators, at least, referred to it as a simple amendment and that would have been Sen. Khadijah Ameen and also Sen. Melissa Ramkissoon. Sen. Ramkissoon at that time confessed to not knowing what a Senator without portfolio is and not having a job description and so on.

But, Madam President, I sought to put—as with all law, policies are required—the proposed simple amendment as is being discussed here into context,

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and I questioned what was the policy behind it and to what purpose and why it is here. I think that there must always be some policy attached to it and just not—it must not hang just on: “let us make an amendment in the Senate today”, there must be a reason why. What is it meant to do?

So then I went back and I looked to Sen. Dhanayshar Mahabir’s presentation, the mover of this Motion. And, indeed, he did speak to definitions, definitions of Senators. He spoke about the Parliament. He spoke about the distinction between those of us who sit in this Chamber, our different functions and then he went on to speak about remuneration arrangements. But what was surprising to me is that he did not speak to the remuneration arrangements—and you can correct me if I am wrong—just en passant. He did not. The Senator spent perhaps about 10 minutes on this whole business of remuneration and remuneration arrangements. And, so much so that in looking at it in the *Hansard* the Senator did spend more time discussing remuneration arrangements rather than the whole question of discrimination. Then he went on to talk about the salaries of Senators here and about pension plans, qualifications for pensions and then you spoke about your time spent in the Senate, et cetera.

Just to give the facts behind what was said—and I go back to the *Hansard* again—the mover of the Motion said:

“Let me look...”

And I quote the *Hansard* for 31.01.2017:

“Let me look at ‘Minister of Government’.”

He went on to talk about:

“The basic salary of a Minister of Government with Cabinet rank:”

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Quoting the salary. And, of course, he made the:

“distinction with a Government Minister, not Cabinet- ranked.”

And quoted the salary as well. He went on to talk about the salary of members of the Senate being \$13,000. He made the distinction to the public out there, “I am saying ‘\$13,000’ and not ‘\$30,000’. So he spoke quite a bit about remuneration. Then he went on to speak about the fact of members who have constituencies to run in addition to their legislative functions, and the constituency allowance being given being higher than that of the salary of a Senator of \$13,000. So this was not just a simply light issue en passant. He then went on to talk about the Ministers’ responsibilities, et cetera, about the retiring allowance.

“...in the case of a person who has served as a legislator for periods amounting in the aggregate to not less than eight years, be at an annual rate equal to one”—quarter—“of one year’s salary...”

And so on and he said:

“In order to qualify...you have to serve as a legislator for periods amounting in the aggregate to not less than eight years.”

So there was considerable discussion on salary and, again, more than there was discussion on the two limbs of discrimination.

And the goodly Senator—and I say goodly, and I am being well meaning at that. He is a goodly Senator—went on to speak about his association with the Senate since 1996, and about the early days, and he looked at his full years and he said that he is now about four years. And, of course, he is making the case for the whole question of pensions. And then he went on to further again speak about it. This is another page on the *Hansard*, another two pages or so and, again, I could

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Sen. The Hon. P. Gopee-Scoon (cont'd)

make reference to the base salary of \$13,000. And, again, he said that that the people at Petrotrin are, in fact, making more money than the Senators in here. So he appeared to have some concern about salaries and remuneration. So it came out as though this was the bigger issue than the question of just the legislative feature which he wanted amended.

It went on, and on again about:

“...business executives would leave their executive positions at AMCHAM to come to the Senate...”

And why would they do that for just \$13,000 a month. And, therefore, I could only conclude after such a considerable discourse on remuneration that this really was not about really discrimination in the workplace, and really it was about and, respectfully: “Can I have some more please?” That is how it came across to me, Oliver Twist. It just did not seem to be just a simple legislative amendment. Far too much time was spent on salaries and compensation of all of us in here.

This is why I am saying, let us not spin it, nowhere in this five-pronged Motion that was placed before us was there any question about salaries and pensions and compensation. There was no limb attached to it and, therefore, I can only say that your Motion was an amputated one, and really the Motion which you brought seemed to have been brought here in the context of compensation.

But, Madam President, I think the speaker before me, Sen. Chote, seemed to question the history of this, and the fact that it was here before. She did, in fact, speak to some occurrences in May 2016 regarding this whole discussion of pensions for parliamentarians. So I think it is in order for me to just go back a little bit into the background.

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(Amdt. of) (cont'd)
Sen. The Hon. P. Gopee-Scoon (cont'd)

So that this Retiring Allowances (Legislative Service) (Amdt.) Bill, 2014 was in fact introduced and read the first time into the House of Representatives on June 06, 2014, by the hon. Roodal Moonilal, the then Minister of Housing and Urban Development. That Bill, the general intention of it was the question of pensions to parliamentarians. And, of course, he brought up the relief and there is truth in it that after the whole question of the long years of public service spent, that there was not enough provision, adequate enough provision for the sacrifice of public life. Several concerns were raised about a potential pay-out and so on and the whole question of re-establishing careers and so on. And, of course, as I said, within that Bill there were several amendments including the one which resembles the amendment which we are discussing.

So, as I said earlier, clause 8 of the Bill which would have amended the Schedule of the Act by making the office of Senator a specified legislative officer and thereby making Senators included in the definition of legislators that entire matter was addressed within that Bill. But, again, as I said, it was not a standalone clause. It was, in fact, a very wholesome Bill which sought to deal, as I said before, with the question of pension arrangements both for judges and parliamentarians.

At that time, and if you go to the—I went to the actual Bill Essentials, there would have been all of the comparative legislation and emoluments as well, and much work had been done by the Parliament. We want to acknowledge the work done by the Parliament over the last few years in addressing this entire matter in favour of parliamentarians and fairness to parliamentarians.

However, the Bill was introduced in the Lower House and, yes it was

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passed. It came to the Upper House a month later and there were mixed and differing views there and, of course, by that time there was much public outcry and what resulted is that the Government of the day—we were in agreement in the Lower House—I suppose after the public outcry, elections were coming up and so on, they pulled back the Bill and what happened was a Special Select Committee was appointed to consider the Bill and to report to the Senate by July 30, 2014. As I said, this all included the same concern as the limb before us with regard to the legislative amendment to which we speak. It did in fact concern that matter as well but in a different context.

So I am saying that there were a lot of comments in the newspaper. Trevor Sudama spoke about it and also it would have been Ralph Maraj again. A lot of blame was foisted on the Salaries Review Commission not having done a proper evaluation. And, of course, Mr. Ralph Maraj, did speak again as to parliamentarians and their prospects post-parliament, and the whole question of the fact that you would become unemployable, and that many parliamentarians do in fact end up on the edge of poverty and humiliation and they are quite forgotten. And all of those things are quite significant, and all of those things need to be addressed and have been addressed in the past as well.

So I do not want to spend much more time on that, but to say that there was this Senator who spoke and it was Sen. Wheeler. Sen. Wheeler introduced the question that he was a professional. So regardless of how long he spent in this Senate—and this whole question of temporary Senator, whether you are temporary or permanent and what is your entitlement—that was spoken to here on this particular debate as well.

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So that it was Sen. Wheeler who did say that he felt as a professional that he was going to be fine. He is a professional, yes he is a Senator, but at the end of day he would be fine, because he is going back to his substantive position which is his practice. He is going back to his profession, and that he was fine. But he did say—I mean, I think he was very unhappy about our approach to the Bill and, in fact, he was quite flabbergasted of the fact that we had come here with this sort of piecemeal discriminatory approach and rather hasty way. I think he was one of those who felt that the matter should have been dealt with and quite rightly so by the SRC.

Sen. Dhanayshar Mahabir and, through you, Madam President, did speak to the matter before and the fact of how delinquent the SRC had been as well, but then there are those, as I said before, Sen. Vieira said this was all so self-serving. We have to be careful in this House about how we come across, because really we are all here to act in the public interest. I think it has to be more about the public, more about them and less about us when we take the decision and we decide we are coming to this Senate to legislate. Legislate yes and perform as a legislator, and I will come to that later, but we are here doing public service and nobody forces us to do that. This is something we agreed to and we come here to do public service.

So, Sen. Vieira on that date and I go to the *Hansard* again, he found it to be quite self-serving and he found the process to be perverted and felt, again, that the House should have rejected the Bill and that it should have gone back to the SRC.

Just one more person I want to reference and that would have been Sen. Roach, and if he does not mind, through you, I think you spoke on that Bill as well,

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the Retiring Allowances (Legislative Service) and your concern would have been procedure.

“The SRC is an important institution which is provided for under our Constitution, and its work cannot be sidestepped.”

Those were your words, and I agree with them. What we have to do is to solve:

“...the problem of getting the SRC to be energetic and purposeful in their remit.”

Through you, Madam President, he said that:

“...the appropriateness of determining pension for parliamentarians...”

And, again, the legislative amendment which we are treating with today is part of this. It was part of this piece of legislation that it should really be handled by the SRC. He said that is the right institution and indeed it is and that the matter should have been, according to him, addressed by the SRC.

The suggestion was that the entire debate be resolved by attending to the shortcomings of the SRC and revisiting the purpose and the functions and how they function over the last 20 years and so on. He posited the view that that is where the debate should have been focused on the SRC. So I just want to say at this point and I just want to make reference to section 141 of the Constitution because the question of the role of the SRC does arise in this debate and it is that:

“The”—SRC—“shall from time to time with the approval of the President review the salaries and other conditions of service of the President, the holders of offices referred to in section 136(12) to (15), members of Parliament, including Ministers of Government and Parliamentary Secretaries, and the holders of such other office...”

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So, enshrined in the Constitution is the role of the Salaries Review Commission to do its work with regard to salaries and remuneration of officeholders including parliamentarians.

So, as I said, the Special Committee—go back to where I was—did in fact meet. There are persons in this Senate who sat on that Committee including Sen. Small and Sen. Dhanayshar Mahabir did in fact attend to that committee. There was only one meeting, but it is important that I say what resulted out of that meeting because it bears reference to exactly what we are speaking to today.

I am going to quote from actually the report of the “Special Select Committee on the Judges Salaries and Pensions (Amendment) Bill, 2014 and the Retiring Allowances (Legislative Service) (Amendment) Bill, 2014” and:

“At its meeting...two main issues”—and I am quoting here—“were identified as critical for consideration. Firstly, there was the question of the jurisdiction of the Parliament in the determination of pensions arrangements. Secondly, the necessity to adopt an acceptable formula for the establishment of an adequate pensions structure.”

So coming out of that there were, in fact, recommendations that a proper body be set up, and it is that:

“The Committee agreed to the following course of action...

- (i) through the international resources available to the Parliament, the process for the engagement of two consultants (*for advice in the areas of pensions, and in the area of local constitutional law*) would be commenced;
- (ii) background research would be compiled on the pensions

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arrangements which obtain in other Commonwealth jurisdictions in relation to Parliamentarians and Judges;

- (iii) background research would be done on the content, purpose and objective of the Original Acts and subsequent amendments (*if any*) enacted by the Parliament of Trinidad and Tobago...”

So, as I said, the work was uncompleted but there were determinations and arrangements which came out of it which work is being done today by the Hay Group. So that is where we are.

May 13th there was a decision that was taken and the Parliament—and I do in fact have the letter which was circulated, and this would be of interest to Sen. Sophia Chote. We were all written as parliamentarians and we were all written to inform us of the job evaluation exercise for offices within the purview the Salaries Review Commission. We were all written and permit me, Madam President, to just quote from it that:

“Following the general reviews...”

This is a letter from the Parliament, Circular Letter dated May 13, 2016, It went on to speak to recommendations made concerning the job evaluation exercise and to include matters of expanded scope of duties and responsibilities of parliamentarians and it says:

“In light of the unique and critical offices within the remit group of the SRC, as well as the expertise required for such an exercise, tenders were invited by the Central Tenders Board and the Personnel Department...subsequently engaged the services of the preferred consulting firm, Hay Group Limited (now known as Korn Ferry Hay Group) to undertake a JEE of all offices.

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The JEE commenced in March 2016 and is scheduled to be completed within twelve (12) months.

The objective of the JEE is the development and installation of a modern and efficient Classification and Compensation System that would:

- ensure transparency and efficiency...
- provide appropriate compensation structure(s) which would ensure equity:”

So the point I am making here is that this committee was set up, not to look at necessarily money, but the system of evaluation of what parliamentarians ought to be awarded based on the work which is done. The letter would have gone on to give a further description of what is required, but there is no need for me to go into it because this information was shared with all of us. All of us are aware of it.

In fact, I was part of the stakeholder consultation group and we did, in fact, meet with the Hay Group on this whole question of compensation, again which ties to the legislative amendment here today which is being discussed especially in the context in which it was put and articulated by Sen. Dhanayshar Mahabir in moving the Motion in the context of compensation on which he spent much time.

2.30 p.m.

But there is something that I would like to say though, Madam President, that there is, in fact, and I will acknowledge, an obvious lacuna which ought to be dealt with—that is a fact. It is: how could Senators without a portfolio not be considered legislators, when, in fact, they do perform the same legislative and oversight functions as other Members of Parliament? In fact, the Constitution does in fact give life to both our Houses, and it is that all Bills must be debated and

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approved by both the Lower House and the Upper House. So I would admit there is, in fact, a lacuna which has to be dealt with. So that being said, I honestly do believe that this is part of the matter under review by the Hay Group and also by the SRC. This is the position which was taken by my colleagues who spoke before, Sen. Clarence Rambharat and also Sen. Jennifer Baptiste-Primus.

In acknowledgement of that, however, Madam President, I want to say—and I would make reference to the Eighty-Second Report of the Salaries Review Commission, March 22, 2007 which, among other things, spoke to this whole issue of specified legislative offices. I believe that in that discussion—and if you do go to the report itself which is the Eighty-Second Report of the Salaries Review Commission of the Republic of Trinidad and Tobago, dated March 22, 2007—unfortunately Senators without portfolio were not included. I would assume that Senators would have been aware of what was decided on by the SRC then in 2007.

So, the report I make reference to spoke to the whole question of the research which was done in Jamaica and Barbados, and it is that the SRC went on to say that a retirement pension is provided to an employee who has given many years of service to an organization or industry, such service to be of a continuous and permanent nature. The appointment of a Senator is temporary in nature and that he or she can be replaced at will. Those were the words of the SRC. Indeed, these are matters that have to be looked at again. But it is in that very report, and I would use, no pun intended, that some sort of compensation was looked at by the SRC. It was in that paper that the decision was reflected that Members of the Senate who are not legislators as defined, and who have served for at least one year, be paid a gratuity of 20 per cent of the basic salary paid over the period of

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service when they cease to hold office, such payment to be made administratively.

So here we are, that some cognizance was given to the fact that there are those who may spend some time in the Senate and therefore the decision was taken—when I say in the Senate, for those that are under the description of Senator who are not legislators—there are those who may have spent much time. Indeed, Sen. David Small has spent quite some time in the Senate, and we really are appreciative of all of the contributions of Sen. Small and Sen. Dhanayshar Mahabir. I think those may have been the longest serving Senators, and I do recognize their contributions in this honourable place—very valuable indeed.

Sen. Ameen: And Sen. Mark.

Sen. The Hon. P. Gopee-Scoon: You want me to call Sen. Mark—Senator for life. [*Laughter*] Sen. Mark—he is not with us, but I think he would be happy to know that we recognized and spoke of him, especially coming from me. So that some recognition had been given, and it was prescribed in that determination of 2007, again, with some sort of compensation being given.

So there was this whole question in the debate of—I cannot remember who exactly spoke of it—this whole temporary part-time matter relevant to the debate as well. I do not remember who actually spoke of it. I want to say on that point that none of us in here are permanent. As you would know, Madam President, today could be my last day. As well as there are many of us in here who have come, even on a temporary basis, come in one occasion, two occasions, made very valuable contributions which the public would benefit by, and of course they are not here with us today. So some will go and some will come.

There are many of us in here who hold substantive professional positions,

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particularly the Independent Senators, and we are so pleased to have them here. I mean, this is what is intended. I am sure the President, if I may raise his name, duly recognizes the importance of having Independent Senators with a myriad of professions who can really lend well to the debates at hand and the pieces of legislation to be made and granted.

So we have in here economists and professors, lawyers, energy specialist Sen. Small; media personality, yes, Sen. Richards; businessmen, Sen. Shrikissoo; and pastors. Of course, we have some veterans overall and then, of course, youth. We have had the voice of youth and they have made some very—[*Interruption*]—I am not talking about Sen. Ramkissoo, because Sen. Ramkissoo as far as we know is an engineer, and you bring that to the table. But the wisdom that comes from the Independent Bench is very, very important and must be recognized.

I just want to make one point, having said that though, and that is, apart from the fact that each of us has chosen with good conscience to serve the citizens of Trinidad and Tobago as Senators, I want to make the point that my goodly Senator on the right made in this very debate—that is, that being a Senator you are not employed and it is not an occupation; and I want to repeat that—all of us in here having made the decision on our own to accept the appointment.

But I want to say, and I am coming closer to the end, Madam President.

Madam President: Minister, you have five minutes more.

Sen. The Hon. P. Gopee-Scoon: Thank you. I am coming close to the end. Make no mistake, this is not a place to be wealthy, absolutely not. We are here to do public service. As I said before, this is a place where it is less about us and more about the citizens of Trinidad and Tobago. Sen. Small, I know the amount of

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work you have put in, and you have in fact detailed that to us in the debate. I am not going to speak to it; your contributions have been remarkable, and it is perhaps the reason why you are here so very long. But let us not forget the reason you are here is because of public service and because of volunteerism. The whole idea of volunteerism is that we use our strengths and our expertise to help our country by engaging others to ensure that the best legislation is put forward in the interest of our citizenry.

Prime Minister Rowley in his inaugural speech on September 10, 2015 appealed to the society at all levels. He said this on September 12, 2015. He appealed to the society at all levels to get rid of the “gimme gimme” mentality and return to the spirit of volunteerism. Not everything you do must carry a pay cheque. Let us get rid of the “gimme gimme” attitude. There is enough for all of us to be sustained, maybe not lavishly. Then he made a reference to *Oliver Twist* and so on, and that kind of thing. I want to say that even in our manifesto 2015, the whole question of selflessness was raised in the context of the general principles of behaviour that are required from parliamentarians of both Houses, the question of selflessness, Members of Parliament acting solely in the public interest.

So, I want to say too that I learned only recently that, for instance, the university lecturers are allowed to spend 20 per cent of their time giving service to Parliament. So Sen. Roach, who is here, in fact he is paid twice, because he is paid to do his full-time job. [*Interruption*] Not Sen. Roach, sorry—Sen. Lester Henry. He is paid by the university just as any other lecturer, but he comes here and he is in fact paid again, so he is like double paid, and that is a fact. [*Laughter*] It is the same of Dr. Rowley when he started in office, because indeed he was a university

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lecturer and then again he came here and became a Senator. So they all have pensions to collect. Even you Sen. Dhanayshar Mahabir spent years as an educator and I am sure that you too have a pension to collect from the university; that is a fact. Yes? So I do not think that you are left without.

In closing again, we want to say that this is not a time we think for this. The Senate ought not to be considering this matter at this time. There are cost implications to it and the circumstances of the economy limit us in putting additional strain on our resources. This is not the simple matter as they have made it out to be, and the Prime Minister has very clearly said to the national community that there will be no improvements in emoluments for any of us in here. There is a clear position on it at this time.

Let us leave the SRC, the Salaries Review Commission, to do its work in reviewing pensions and salaries. Let us give them the opportunity. They are the sole committee designated to do so by our Constitution, again, and let us wait as well for the work of the Hay Group commissioned by the Parliament. So as I said, not at this time we are able to support it. There are some valid matters in there. I had cited the fact that there is a lacuna, and we will look at it certainly, but not in the context of discrimination which was raised here and in the context which you in fact brought it, which is the context of compensation. We cannot deal with that at this time.

Thank you very much, Madam President.

Sen. H. R. Ian Roach: Thank you very much, Madam President. This debate has been quite an interesting debate and one that I have sat here and enjoyed listening to my colleagues make their contributions one after the other.

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The Motion, just for clarity again says:

“Whereas Trinidad and Tobago is a signatory since 1970 to the 1958 ILO Convention C111, on discrimination in respect of Employment and Occupation;

And whereas the principle of the elimination of all forms of discrimination in the workplace is an established policy position of the Government of Trinidad and Tobago;

And whereas Senators without portfolio in the Parliament of Trinidad and Tobago, perform all the functions of legislators in discharging their Parliamentary obligations;

Be it resolved that the legislative retirement allowances Act Chapter 2:03, be amended to include all Senators within the definition of legislators;

And be it further resolved that this Senate call upon the Government to present the required legislative amendment to the Parliament before the end of the Second Session (2016-2017).”

Madam President, I must first commend Dr. Mahabir for bringing this Motion to highlight a legislative anomaly regarding the lacuna of the Senator without portfolio from receiving a retirement allowance under section 3 of the Retiring Allowances (Legislative Service) Act, Chap. 2:03, of the laws of Trinidad and Tobago, due to such Senators being included in the definition of legislator. Just for the purposes of clarity and for those listening to us, section 2 of the Act in the definitions section speaks of:

“‘legislator’ means a person who—

(a) is an elected member; or

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- (b) not being an elected member, is the holder of a specified legislative office;”

Therein lies the lacuna that a Senator without a portfolio is not included in this, and therefore is prevented from participating under section 3 of the Act which states that:

“Subject to subsection (2), every person who, at the commencement of this Act, is a legislator, and every person who, after the commencement of this Act becomes a legislator shall, by virtue of being a legislator, become a contributor under this Act.”

This lacuna of not including the Senators without portfolio of being a legislator deprives the Senator from being able to contribute to this retirement allowance permitted under the Act for others.

The contributions from all previous Senators have been informative, compelling, and even Sen. Sturge I found myself saying he is making a good point—respect to him. [*Laughter*] All the reasons that could be advanced for the inclusion of a Senator without a portfolio as a legislator are genuine and cannot be easily refuted.

Senators of the Opposition and Independent Benches who have contributed to this debate have advanced very persuasive reasons for the adoption of the proposed resolution. The list of functions performed by a Senator without portfolio are significant in both scope and importance, and no one who is informed of a Senator’s duties and responsibilities in the Parliament can contradict that easily. Quite frankly, the Senators’ services are essential components in the legislative and parliamentary operations, without which the system of government would be

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severely affected.

During the commencement of this Eleventh Parliament, an additional number of oversight committees were added to the portfolio of Senators, demanding an even greater level of involvement and time in which to do so. Therefore, it is only fair that there is equality of treatment across the board in terms of benefits, et cetera.

Now, having said all of that in support of this credible Motion, Madam President, I must in all earnestness say that I consider services and duties performed by all Senators with and without portfolio to be one of public service and personal sacrifice for the benefit of our country. If I am to be totally truthful and open with this Senate and the public concerning my acceptance as an Independent Senator, it never crossed my mind to ask His Excellency what the salary or benefits are, because it really was not the most important factor in my decision-making process. Believe it or not, my concern was that of the Integrity Commission. In Trinidad and Tobago, I have come to realize that there is no such thing as confidential information. After being in Parliament for more than three years, I have a greater appreciation and understanding of what it takes to keep this Parliament functioning efficiently. It takes a lot of personal sacrifice from all parties concerned here.

Madam President, I am constrained to say that I cannot support this Motion in its entirety at this time, due to the fact that an amendment to the law so as to include Senators without portfolio as legislators, for the purpose of receiving a retirement allowance, would ultimately require the sourcing of funds to meet this challenge with regard to the Consolidated Fund.

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Through probably inadvertence, Dr. Mahabir may not have had sight of the fact that the Retiring Allowances (Legislative Service) Act, Chap. 2:03, was previously amended on a number of occasions. Starting with Act No. 17 of 2007, section 3 of the Finance Act 2007 amended the Retiring Allowances (Legislative Service) Act, Chap. 2:03, and provided for a decrease in the number of years' service required by a legislator to qualify for a retiring allowance from eight years to five years. Having said that, it means therefore that Members inside of here like Dr. Mahabir, Sen. Small and myself, who are here three years, and we are privileged to serve out five years, we may be entitled, once the amendment is made in terms of the qualification of years, we may be able to participate in it. It is not as he may have thought. It probably may have been an oversight on his part.

This means that any of the Senators who are deemed legislators and privileged to serve out this parliamentary term for five years would qualify for a retiring allowance. All that is needed to be done is an amendment to the effect that a Senator without portfolio also be deemed as a legislator *mutatis mutandis*. Such amendment though will be an additional financial charge on the Consolidated Fund. This is not a bad thing, but it must be put in the context of our country's economic and fiscal realities. And I ask: Can the country afford same at this time, however small the annual value?

I am quite cognizant of the current insidious economic situation the Government is grappling with in order to meet the expectations of public supply of goods and services to the country. I have followed the most recent industrial impasse between the OWTU and Petrotrin regarding the settlement of wage negotiations, and the outcome has been vexing to a large section of the public who

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cannot understand how the union in these economic times can seek such an increase from a state entity that is under-performing and not profitable. There also appears to be increasing job losses across the economy both private and public. In these circumstances I find myself hard-pressed to add a financial burden on the public purse at this time. Perhaps the timing is not the best and we should therefore postpone this genuine grievance to another time when the country is showing signs of positive growth which I feel optimistic about.

An even more pressing concern that the Government and the people of this country are confronted with at this time is the apparent runaway levels of murders and disappearances of our vulnerable women, especially the young. The blatant disrespect for the rule of law by brazen criminals that make us, members of the public, extremely apprehensive for the safety of ourselves and our loved ones on a daily basis. This is what I firmly believe we as a Parliament should be occupied with, and pressing the Government to do much better now. What is the sense in having economic betterment when you will not be safe enough in this spree of criminal activities to enjoy same? Safety and security must be our first priority as a Parliament.

Madam President, for all intents and purposes, I would also put addressing the many obstacles that the differently able face as being of more imperative than addressing the retirement allowance of Senators without portfolio. The differently abled ones, as a group, far outnumber Senators without portfolios and suffer daily injustices while trying to eke out a living in a hostile and indifferent public environment.

I personally, without hesitation, would forego any increase or emolument as

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a Senator to instead see the significant needs of the differently abled, which are long overdue, addressed. I can give this Senate a very recent example of what I speak. On the 26th of January, 2017—this is just a couple of weeks ago—I had to attend a teaching service tribunal matter that had been going on for about five years, just shortly before I became wheelchair bound. I drove into the compound of the Teaching Service Commission 1.00 p.m. for the hearing at 1.15, and remained there for over 30 minutes trying to get parking in the commission's car park. After numerous calls to the commission's administration to get some assistance, I still could not disembark to get to the tribunal in time to perform my professional responsibilities to my clients, simply because there was no designated parking spaces for the disabled. As a direct result the matter had to be adjourned, further pressuring my clients.

Now, Madam President, this is what I mean about prioritizing, sifting the necessity from the non-urgent matters for the attention of Parliament. The daily discrimination all differently abled members of society face put this Motion, as laudable as it is, secondary for me on this Eleventh Parliament 2017 legislative agenda. More money in my pocket as a Senator will not be a priority for me while we differently abled ones are trying to live reasonably like any other able-bodied citizen and cannot access different workplaces, most public buildings, facilities, public roads, pavements. Passing laws to rectify these human rights violations should, with the greatest respect to my colleagues who are in favour of this Motion, be a priority.

I applaud my esteemed colleague Dr. Mahabir for his Motion. At the very least, it serves notice on the powers that be that this is an amendment to be

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entertained once the economy is in a stream of recovery and more revenue is available moving forward. But for now, while asking the country—and especially the most vulnerable workers on the wages and salaries scale to hold strain—it just does not rest well with my conscience to pursue this agenda at this time.

I certainly do not even have to go into the extent that my other colleagues on the other side in terms of whether or not the job of a Senator is part time or not part time. Madam President, from being in this Senate for the last three years, I am of the honest opinion that everybody that participates in helping to make this Parliament function as it is are worthy of much more of the remuneration that they get. For instance, the parliamentary members of staff who work here and stay as long as we are required to stay here, be it two o'clock, three o'clock in the morning and then return the next morning for eight o'clock to perform their functions, I mean, they certainly I am sure are worthy of an increase in every respect in terms of compensation.

Madam President, I really, really, really was distressed to the extent in terms of understanding what is going on in our society at this point in time. We must not only talk the talk, but we must walk the talk. We cannot ourselves here, while we are scribing—and certainly the Government is asking persons to hold strain, and we know the reality of the situation. I know of persons who have been let out of their jobs now who are not even making \$13,000 a month, and faced with children and faced with all the expenses that any other body, that we have to face with, and certainly we cannot just seem to be—as much as it is something that is noble, it is something that is right, it is an injustice that the amendment should be made, but having made the amendment it would certainly cause certain other financial

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obligations to come on the government purse, which at this point in time I think is not the best time.

I did raise it at some point in time with my colleague Dr. Mahabir saying that it is a very worthy Motion; it is one that I support, but I am at pains at this point in time because I just think economically it is not sensitive to us to seem to be pushing something as though we are self-serving at this point in time.

I certainly will not vote against it, but I certainly will not vote with it. So I can say from up front I probably will abstain, but I think it is a worthy thing. Certainly it brings notice to the public and to the Government that it is something that needs to be addressed. I heard my learned colleague Minister Gopee-Scoon quoting from our contributions in the last Parliament where I said X, Y and Z, which is true. The SRC does have a role to play, and I think they need to be given their time to do what they need to be done; that everything certainly will gel at the same time when that is determined, and that the appropriate action would be taken at the right place and time.

I mean, I have enjoyed this debate. I have enjoyed the contribution from Sen. Ameen. As I said, Sen. Sturge made some points there I was surprised, but I do have, with the greatest of respect, an appreciation for the contribution made by those who have announced their support for it, but I will probably be the lone voice in this regard. I will not be in this because of the reasons which I have said. I do not think it is a good time to promote this in the face of the economic adversity and challenges facing the wider public. I thank you.

Sen. Foster Cummings: Thank you, Madam President, for the opportunity to contribute to this Motion, which was moved by hon. Sen. Mahabir and which

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concerns the proposed amendments to the Retiring Allowances (Legislative Service) Act, Chap. 2:03. Essentially the Motion seeks to compel the Government to present amendments to the legislative retirement Act, Chap. 2:03, specifically to include all Senators within the definition of a legislator.

The Motion suggests that the exclusion of Senators without portfolio in that definition amounts to an act of discrimination, and goes on to cite the ILO Convention C11 which speaks to the elimination of all forms of discrimination in the workplace.

From what was presented to us by the mover of the Motion, the mover of the Motion insisted that Trinidad and Tobago, being a signatory of this convention, and as such, Government should act in terms of policy to correct the situation described by the mover of the Motion.

And so, as I listened to Sen. Mahabir on our last occasion, he hinged his thesis on the notion that any inaction by the Government in respect of correcting this would constitute a breach by the State—the State being a signatory to this convention.

Let me just say, Madam President, that I consider the Motion to have merit, and my point of departure with the mover of the Motion is in connecting it to the issue of discrimination and the convention to which he refers.

We have had much discussion about the question of full-time and part-time work by parliamentarians. Let me just say for the record that I have come to the conclusion, based on my short time here, that this is by no means part-time work.

3.00 p.m.

I spent all day here yesterday. I spent many hours last night preparing for

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this debate today. I am here again today and tomorrow I have another committee meeting in the Parliament. So, so far for this week, that is three days, and some hours at nights; it is hardly part time in my view. So that I do consider the Motion does have some merit. But let us discuss something that does not sit too right with me in terms of the question of who decides on the question of remuneration, gratuity and pensions for parliamentarians.

Something does not sit right with parliamentarians having to decide on issues that the public can well interpret as self-interests, and maybe it is something that we need to pay a little attention to, because I can well imagine if I were to spend my time arguing in favour of this Motion, that a member of the public—and now the parliamentary channel has become very popular—can well conclude that as a parliamentarian since I am a Senator without portfolio, can be arguing a point from which he personally stands to benefit.

I am not in a position to say that those who drafted the Retiring Allowances (Legislative Service) Act excluded Senators in the definition for any particular reason. I have looked at it and it may well be that it hinged on the question of the full time/part time discussion. It may also be that in considering the question of an elected Member to an appointed Member, that the question of elected Members having that additional responsibility of constituency responsibilities which appointed Members do not have, that that may have been a consideration.

As well as, Madam President, it may be that it was simply an error where the drafters of the legislation may have, based on the template used in the framing of the law, simply utilized what exists in another jurisdiction. So that previous speakers who would have spoken to the question of correcting this situation, I

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think that some point in time it is something that we need to look at.

The difficulty, Madam President, is while I think that the Motion is well intended, I think that we also have to consider that as servants of the people we must take into account the prevailing circumstances and the state of our economy at this time. Because no matter what spin you put on it, those who look to the Parliament and to its leaders for leadership can easily come to the conclusion that parliamentarians are consumed with taking care of matters that concern them whilst ignoring the plight of the many.

And let me just point to a circular that was sent out in May of 2016, because based on what I mentioned earlier about parliamentarians being at the forefront of these issues of compensation and remuneration and gratuity and pension issues, I think that this matter in its overall context, properly finds its place in the Salaries Review Commission.

And Sen. Paula Gopee-Scoon who caused me to trim quite a bit of my contribution, spoke to a circular that was sent out to all Members of Parliament, and what the circular in essence said, and this was sent out in May 2013, it was a circular to all Members of Parliament coming from the Clerk of the House. And I think it is important for the record that we pay attention to what this circular says. And although Senators mentioned parts of it, I would like to read parts of it into the record. And the Clerk says to all Members that in a letter from Acting CPO, the CPO advised as follows that:

“Following the general reviews of salaries and other terms and conditions of service conducted by the SRC in 2008 and 2012, recommendations were made for the conduct of a Job Evaluation Exercise...of all offices within the

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 Sen. Cummings (cont'd)

purview of the Commission.”

And of course, parliamentarians in both Houses would fall into this category. It goes onto say that a:

“large number of requests for changes in the job...”—position—“within the structure,”—were received that—

“expanded scope of duties and responsibilities; and...”

speaks to:

“increasing demands on, and the complexity of the jobs...”—

that falls under the purview of the commission. The circular goes on to say:

“In an effort to obtain the views...of the stakeholders’ that the Exercise,”—would involve—“selected stakeholders...in the upcoming months, to participate in various activities which include, but are not limited to, stakeholder consultations and the completion of job-related questionnaires. In this regard, office holders will be contacted in due course to participate...”

And this is a circular sent to all Members.

So, what it suggests, Madam President, is that the SRC is currently involved in a comprehensive exercise geared towards the conduct of a job-evaluation exercise. And I understand that it is being conducted by a consultant referred to as the “Hay Group Limited (now known as Korn Ferry Hay Group)”. And such an exercise it is expected will take into account the issues raised in the Motion by Sen. Mahabir.

Madam President, this is not the first time that this matter has caught the attention of the Parliament. Back in 2007 under a PNM Government, I came

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across in my readings a Cabinet Note that sought to treat with this issue of amendments to the Retiring Allowances (Legislative Service) Act, Chap. 2:03. At bullet (a) the Cabinet Note recommends and this is Cabinet Note No. 897, Cabinet Minute 897 of April, 2007.

Whereby the Cabinet agreed without modification to accept the recommendations contained in the 82nd Report of the Salaries Review Commission.

And at bullet (a) one of the first recommendations is that existing offices set out in the schedule to the Retiring Allowances (Legislative Service) Act, Chap. 2:03, be maintained. And at bullet (c) it recommends that:

Members of the Senate who are not legislators as defined and who have served for at least one year be paid a gratuity of 20 per cent of the basic salary paid over the period of service when they cease to hold office, such payment to be made administratively.

This, Madam President, was back in 2007.

However, in 2014 under the UNC Government a Bill was piloted in the House by hon. Dr. Moonilal and this was on June 06, 2014, a Bill entitled Retiring Allowances (Legislative Service) (Amdt.) Bill, 2014. In that Bill that was piloted by hon. Dr. Moonilal, some of the key changes included a change to the schedule which specifies legislative offices, and so clause 8 was amended to include the position of Senator to be considered a legislator.

At that time in 2014, the then Opposition supported the Government in the Lower House on the question of these changes that were proposed. And subsequent to that, the UNC Government buckled as a result of public opinion on

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this matter.

In the Notes to the Bill at the time, several comparisons were done. I saw the case of Antigua and Barbuda where a pension is payable to all former legislators who have served for two terms in that jurisdiction, Madam President. In that country a legislator means a person who is either Member of the Senate or the House of Representatives; different to our legislation, Senators are included.

In Barbados contributions are payable by all legislators and the legislator means an elected member or holder of the specified legislative office which is similar to what applies in our Act.

In Bermuda, a member means a member of the Senate or a member of the House of Assembly. Again, in this case Senators are included.

In the British Virgin Islands, a legislator is a person who was elected or a nominated member who is the holder of a specified legislative office. Again, similar to what applies in our jurisdiction.

So what we see, Madam President, as we look at different Commonwealth jurisdictions, is that it varies from country to country and by and large that can also be interpreted, if we look back, that it is based on whichever template law utilized by the drafters in that particular jurisdiction that they may have arrived at that position.

Madam President, it is my view that the work currently being undertaken by the SRC, which involves the comprehensive job-evaluation exercise, will take all of these matters into consideration. The mover of the Motion spent a lot of time dealing with comparative remuneration for the various offices that fall under the purview of the SRC, in particular those of parliamentarians.

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And I had mentioned earlier that we need to be very careful how we take a leading role in prosecuting these matters that one can easily conclude that we are attempting to look after our own interests. It is no secret, Madam President, and many of the speakers before me had made this point, so I will not spend much time on it. But the country is not at its economic best and therefore, when we consider measures of this nature, we need to take into account what would be the cost factors associated with such decisions, and whether it can be afforded at this time and whether we would be sending the right message to members of the public if we were to agree to this Motion at this point in time.

Madam President, I wish to draw our attention to the 98th Report of the Salaries Review Commission and to point to some comments in the introduction to the report made by the SRC. And in the introduction on page 1, Madam President, it begins by laying out the constitutional life of the SRC which gets its life at section 140 of the Constitution. And that at section 141, the SRC is required from time to time with the approval of the President to look at the salaries and other terms and conditions of service of the offices falling under its purview, and the Parliament or Members of Parliament, of course, fall into that category.

But let me move in that same report which was laid in November of 2013. On the issue of pensions and gratuity, the SRC under pensions and gratuity had this to say.

“In their submissions, some office holders requested improvements in the existing superannuation benefits. Others requested that the allowances which they receive be incorporated into salary so that they would be included in the computation of pension benefits.”

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And these are the comments from the SRC based on contributions from persons that fall under the remit of the SRC which includes parliamentarians. It goes further to say that:

“This would necessitate an overhaul of the groupings and consequently, we are of the view that the issue of the relationship of salary to allowances provided would best be reviewed during the Job Evaluation Exercise and Compensation Survey.”

About that, Madam President, is the exercise that is currently being undertaken.

The SRC goes further to say in this report that:

“A number of office holders who hold offices that are deemed to be part-time and who are currently not eligible for terminal benefits sought the introduction of a gratuity. As noted in previous Reports, part-time office holders are not normally provided with terminal benefits. Therefore, we are unable to support such a proposal.”

And that is the comment of the SRC in 98th Report given in November of 2013.

So that, Madam President, this information takes the question of terminal benefits squarely back to the position of whether parliamentarians are viewed as part time or full time workers in the true meaning of the word. And therefore, to deal with that issue it would mean that the job evaluation exercise currently being undertaken, we will have to await the outcome of that exercise.

Madam President, there have many amendments to this law, the Retiring Allowances (Legislative Service) Act. As a matter of fact, this Act which came into being in 1969 has been amended in 1976, twice in 2007—[*Cell phone rings*]

Madam Speaker: May I ask whose device is going off like that? Could you

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show me by—? [*Interruption*] It is your watch. Okay. Sen. Samuel. [*Crosstalk*]
Yes.

Sen. F. Cummings: Thank you, Madam President. In 2008, in 2012 and in 2013. And Sen. Roach is quite correct that the law was amended to reduce the number of years of eligibility from seven to five years in respect of parliamentarians and them qualifying for the receipt of a pension.

Madam President, I do not think that there is much argument over the question of whether the Motion is well-intentioned or not. I think that we have heard contributions from the Government side, we have heard contributions from the Independent Bench, we have had a couple contributions from the Opposition Bench, and by and large there is some level of agreement that the Motion is well-intentioned.

I think that the mover of the Motion could have adopted a different approach instead of tying this Motion to the question of discrimination as I am not sold on the discrimination issue and whether the fact that Senators are not included or named as legislators in the Act, is in fact, a discriminatory position. It might be an error that needs to be corrected, but as Minister Primus pointed out in her contribution, it does not for the purposes for the ILO Convention qualify as what one would consider as discrimination in the workplace.

What I would say in conclusion, Madam President, is that at the appropriate time I am certain that this aspect of the law will be looked at. The question of all issues pertaining to parliamentarians and their remuneration and gratuity and pensions issue will be, I am certain, taken up in the overall performance evaluation being conducted at present. So that the Motion, while well-intentioned, may not be

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Sen. Cummings (cont'd)

well timed, and that subsequent to the completion of this exercise on a matter of policy, the recommendations coming from SRC, I am sure will receive the requisite attention in terms of policy from the Government.

With these few words, Madam President, I thank you. [*Desk thumping*]

3.30 p.m.

Sen. Stephen Creese: [*Desk thumping*] Thank you, Madam President. I had resolved earlier not to participate in this debate, because to be quite frank I was ambivalent about it. I appreciate the point being made tirelessly from the Government Bench about timing, but there is no time for truth. [*Desk thumping*] It is perennial, and it is a coward option to run from the truth. [*Desk thumping*] And it is a kind of sophistry, a kind of speciousness that seeks to say to John Public that this may be self-serving.

I have known of the mover of this Motion before entering this Chamber. I had seen him on television quite often on economic issues, and found him to be balanced and professional. I sometimes, most times disagreed with a lot of his conclusions, but he was totally a professional. I never found him to be self-serving. [*Desk thumping*]

So it is difficult to sit here and allow such a charge to be paraded in any form against him. I myself shared in the joke about the two small men and the assertion by a very prominent Government official, not in this House, that the Independents forming a party, and caucusing.

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

And I noted that nowhere in the media, none of the editorials found this to be repugnant—or that those on the other side did not feel the need to discredit the

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spread of such a notion, because it strikes at the core of the solemn dignity of this House. It is as unique as the Mace itself, and I am sorry that the temporary Sen. Cumberbatch, who worked in this Parliament when that Mace was last insulted. Because I would have reminded him of how critical it is that once something touches on the dignity of this House, how it undermines the validity of the democracy to which we all say we serve, and which this House, the Houses of Parliament are in fact the highest court of our land.

So that we must be honest, and fair, and straightforward about what the Senator has brought for our deliberation. It is abundantly clear that we are not in keeping with the Treaty with which this Government has aligned itself internationally. No one has risen to say that that assertion by Sen. Mahabir is untrue. No one. So that premise, and it is a critical premise, stands unchallenged. Truth. And we could be specious about what constitutes discrimination, whether it is race, whether it is religion, whether it is sex, whether it is place of origin, whether it is not listed in any of the conventional definitions within our existing Constitution. It matters not. Because at the end of the day, if we are all intelligent beings in this House, and we all are, every last one of us, then at some point in time, whatever your religious beliefs, at some point in time, whatever your sense of social responsibility, at some point in time you are answerable.

Whether it is to the taxi driver who confronts you, why you did not say that in the House, boss? Whether it is the casual person walking along the street with you, in the bus, wherever, why you did not say something about that, boss? So, whether it is in our Constitution clearly defined, this is the place where laws are writ. So whose job it is to point out anachronism? [*Desk thumping*] Whose job it

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is to make our society aware, and to make the other place, that together with this place, constitutes our Parliament? To make them aware that there is something amiss, and it has to be corrected. Do we have to go to the Privy Council once, twice, three times, as Sen. Sturge has pointed out, for us to come to terms that we are in fact still children of a lesser God? [*Desk thumping*]

Because, if it is, the people who set us up with this Marlborough House Constitution no longer subscribe to the tenets that exist in ours. So, what, we are going to the Law Lords to tell us that we are backward? We love that. That is what we want to hear? Or, we will correct it right here? Is that our role, to go up to England to find out that we are dumb? That we are way behind them? That we are centuries behind them? [*Continuous desk thumping*] There is a name for that, you know, they call it neo-colonialism, and we could all give ourselves award for that next Independence Day or Republic Day, whichever one. Because if we know in our heart of hearts that the thing is wrong, the thing is wrong period. [*Desk thumping*]

And it is particularly specious to keep hinting, as Members from the Government Bench have been doing, about the cost implications, when the analysis is clear as to whom may qualify. Who is going to make the eight years? Check around you? And remember it is non-office holding Senators, so which means that their basic salary is \$13,000, which means the potential pension is some \$3,000, and nobody has questioned the assertion that it is no more than two who may qualify within the life of this Parliament.

So, at \$3,000 a month, \$36,000 a year, possibly \$72,000 down the road, not today, eh. Not next year, you know, down the road. What was the size of the

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budget? The last budget presentation. What was the revised budget? [*Desk thumping*] Are we saying to the nation that we are so protective of the Treasury that \$72,000 down the road is of such colossal import? We should hang our heads in collective shame. [*Desk thumping*] That we use up all this parliamentary time to deny somebody \$36,000. The cost overruns on any project, any, whichever administration over the last how many years, none of them are of the order of \$72,000. Not a single one. We are talking about \$72 million and climbing, yet we find ourselves here delivering pompous addresses about \$72,000 [*Laughter and desk thumping*] down the road.

[MADAM PRESIDENT *in the Chair*]

Sen. Gopee-Scoon: Point of order, 46(4), pompous and specious.

Madam President: Sen. Creese, continue. [*Desk thumping*]

Sen. S. Creese: Thank you, Madam President. So that is what has made me decide that I should speak, so to allow Sen. Mahabir, who has made—the hon. Senator, who has brought this Motion to alert the House before the Privy Council has cause to look down their collective noses at us. These freshwater beings, these pretenders that democracy from the backwaters of the Third World, these “wanna be First Worlders”. [*Desk thumping*]

Madam President: Sen. Creese, just tone it down a little bit please. Okay?

Sen. S. Creese: Thank you, Madam President. [*Crosstalk*]

Madam President: Members! Hon. Members. Sen. Creese, just—Senators, please! Let us continue to listen to Sen. Creese in silence. Sen. Creese.

Sen. S. Creese: Thank you, Madam President. So the challenge is to correct ourselves before we are humiliated publicly when we are corrected publicly.

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And I appreciate Sen. Roach's contribution, as usual. But I have a problem, and it relates—I remember the programme I once saw on television in which two very prominent nationals were being interviewed, one was the artist LeRoy Clarke, and the other was the celebrated Secretary General of the Maha Sabha. At one point during the interview LeRoy Clarke pulled up his sleeves and said, words to the effect, show me your scars and I will show you mine. And one of the problems in our race relations, as it is in all the groups who feel discriminated against, from whatever bases, is the question: Is there a pecking order of suffering? My contention, for whom the shoe pinches the hurt exists [*Desk thumping*] and I appreciate the challenges people with various handicaps have in an uncaring society, but that does not reduce or in any way diminish the hurt or the disadvantage of any other group and/or person, and/or individual.

And if the deliberations of this House, and the other one, are of national import, then we have a solemn duty to ensure that those who are called upon, whether voted in, nominated in, however they arrive here, I would even take the argument further, whether they arrive here as security officials in the wings, as watchmen overnight. However they arrive here, to ensure that this House fulfils its national duty, then there is a duty to ensure that their contribution is in no way diminished. Marshals, telephone operators, they are part of ensuring that this democratic process survives, and lives, and grows, and therefore we have a responsibility, once we are aware of any inconsistency, whether we want to give it a big label of discrimination, anomaly, whatever the fine choice of English Language that we use, we have a responsibility to ensure that to the best of our ability, our laws reflect the highest and the noblest thinking of our times.

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So, I would not want to create a pecking order of suffering, whether slavery was worse than indentureship, whether being blind is worse than being deaf or being dumb. They are all disabilities, they are all disadvantages, they all represent challenges for all of us, in whatever way we are confronted by these challenges. And, at the end of the day, our place in the history of things, in the scheme of things, has to do with how well we rise to these challenges, and we still proceed to serve. And whether the Motion will in fact, over the next few years, over the next decade only provide a pension for one person, because even the two or three who may qualify, if they are allowed to finish their term, and once you are a Senator, unlike an elected MP, you are not guaranteed a term. But once they should finish such a term, it is the principle that they be fairly and equitably rewarded that counts. That is what is being held up by the goodly Senator, and that is what we should all stand for. Because, as I listened to the swearing in of the temporary Senators, it struck me what is in the oath, and there is a line in there somewhere about being a Member of Parliament. So, are we going to be the business of discriminating in and amongst and between Members of Parliament? Is that where we are “gonna” start? Are we “gonna” get specious about what is discrimination, age, sex, geography, colour, religion, ethnicity, all the possibilities in which we could carve up, divide up, separate, distinguish members of the human race?

Well, as Members of the parliamentary body corporate, we should be the first to say no such distinction, no such discrimination should be in any way endorsed, and that if people served in the highest court of the land then they should be recognized for that service. You see, at the end of the day there is a bigger discrimination, there is a greater discrimination going on, if we do not stop and

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take stock of what this place really constitutes. This is where we send a message to all and sundry as to what the country should stand for. However, we are able to codify our concepts of human rights and human dignity and translate it into law, and Constitution, and a preamble to the Constitution. At the end of the day, it should be clear for anybody listening to us, viewing the parliamentary channel, hearing the radio, it should be clear to them, whether they could repeat it word for word in the best English or not, rum shop talk or not, it should be clear to them, that we stand for the elevation of human dignity and hard work. And all of us who know the difficulty with getting a fair day's work, a fair day's pay, the post-colonial, post-slavery, post-indentureship period, it is imperative to keep making the point that hard work really kills nobody, and that Senators work hard, and that their deliberations are illuminated and uplifted.

So that is why, Madam President, although I had been reluctant to speak because I did not want to lend any support to the notion that we are here, and some part of self-aggrandizement, self-serving, trying to get more money for ourselves, because it is not about basic pay. A Senator's pay is known to be \$13,000. It would remain at that as far as the contributions here are concerned. It is about the question of equity and parity, and that the efforts that are made in these contributions, the research that is required, and those who are without office have a greater challenge in getting things done, in getting information, in getting stuff across, in assessing information, I have found myself, on a printer down, found myself in Gulf City on a Sunday evening paying for copies of things to be done, and people looking at me funny when they come in in their Sunday evening dress, and I in my three quarter pants and a sleeveless. They say, "Dai the Senator, boy".

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Sen. Creese (cont'd)

There is a price to be paid. I have no problem with paying the price.

At the end of the day, it is not the clothes I wear, not the vehicle I drive, but the contribution that we all make, that really matters, and I feel in that sense the principle that is being enunciated here is really the basic, a fair day's work for a fair day's pay. That is all it is really about. Not about who getting what, because none of us here are likely. And that is the bottom line, you know. I do not know if we understand politically we are into one term governments, and if we think through that we understand why most of us here are least likely if we are not in the Executive, holding office that is, to qualify. So, let us not give the impression that we are about to interfere with the future budgets of this country.

I close by saying, if nobody is going to be getting more than \$3,000 a month, and unlike the other place that gives you \$3,000 a month pension, NIS, this is a contributory scheme we are talking about, so the State is free to work it out in such a manner that the contributions relate to the benefits, and we know there are not many beneficiaries, unlike with NIS.

I thank you, Madam President. [*Desk thumping*]

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Madam President. I thought this was going to be a very simple debate, it has turned out to be a little more complex.

But first, in summing up, let me reiterate what my Motion is not about. It is not about compensation, contrary to the assertion of my colleague, Sen. Gopee-Scoon. I do not think I mentioned the SRC once. It is not about compensation. The SRC is an arm of the State created by the Constitution, and one must respect the independence of that organization.

Madam President, as Sen. Creese indicated, it is not about me, or Sen. Small, or Sen. Sturge, or Sen. Henry, or any Senator in this current Parliament. It is not about \$3,265, which a Senator will qualify for if he contributes for a specified period. And I am grateful to Sen. Roach for—I was not aware that there was an amendment to the law which reduced the qualifying period from eight years, and then seven, and now to five. Only Senators who have started to contribute from day one, it means that if you have four years of service, or three years, like Sen. Small, and you contribute from today, you have to serve an extra five years, which is really going to be a statistical impossibility in this environment, where we operate on one-day contracts.

It is not about \$3,500 for the majority of Senators in the Parliament, if not all. Madam President, the basic consulting rate for a professional, a professional economist, the minimum is US \$500 an hour. This particular pension which we get a month, and I am not talking about lawyers, I am not talking about senior counsel, I know the rates of senior counsel, I am not talking about senior counsel on Independent Bench, but I know it is scaled rate. The Law Commission has indicated what these rates are, and it is not about that pension which any professional in this House can earn minimum. I am talking minimum, I am not even talking about Sen. Small's consulting rate, but \$3,265 is really not the issue. Had it been \$3,265 I will not detain the Senate with two days.

I think as an economist of longstanding, it would have been felt that there is something deeper here. Sen. Creese, of course, really got into the meat of the matter. What is at issue? The issue really would be divided into two, and in summing up could not include everything in the articles, of course. But, it is first and foremost fundamentally, what is going to be the future of the Senate of

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Sen. Dr. Mahabir (cont'd)

Trinidad and Tobago? The Senate is a creation of the Constitution. And who should populate the Senate? Let me speak to that wider issue before I come to address some of the other issues. The Senate is a creation of the Constitution, yet the majority of Senators here—by my count I think it is 24 of us—are excluded. Sen. Chote got it absolutely correct. We are excluded, not from a pension, but we are excluded from participating in a pension plan.

4.00 p.m.

And we have to ask ourselves the following—the 24 of us who do not hold any specified legislative office are basically legislators and overseers. We do two functions. Practically, all of us here sit on the Joint Select Committees as oversight members, and we make the law. The current 1965 Act has indicated that once you are elected you will participate in the plan, there is consideration, you are worthy of participating. So running for election is given high priority. I agree with that. It takes a tremendous amount of effort to run for office and we say, simply availing yourself of public office by running for an election and experiencing a gruelling election campaign qualifies you.

So running for elections, sitting as an Opposition Member in the other place and administering to the needs of your constituents is given worth. We recognize that that is important. Government Members who do not hold Ministerial portfolios are similar, they run for office and they obtain—they service their constituents and they participate in the plan. We place tremendous, tremendous, weight on those who occupy Ministerial office and who are of service, Members of the Parliament and as I have indicated quite clearly, all Members of the Senate and the House are Members of Parliament.

Members of Parliament who serve the Executive arm of the state, which is

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(Legislative Services) Act (Amdt. of) (cont'd)
Sen. Dr. Mahabir (cont'd)

separate and distinct, are given the highest consideration. They are given—it is in this context I mentioned the differential in salary, because they have different duties, they have duties to the Executive, that is what we consider to be the Government of Trinidad and Tobago and they participate.

So we place weight on those who service the Executive arm, we place weight to those who have run for election, but we have diminished by excluding the Senators without portfolio the legislative function of the parliamentarians and we have diminished the oversight function which are the principal functions of the 20-odd individuals here who I called Senators without portfolio. Should that be the case? It was so in the past. Should it continue in the future? How important is making the law? Essentially, this debate revolves upon that.

How much priority as a society and it is my job to convince the media, the talk show hosts, Dale and Tony, and everyone out there, that the legislative function in the Parliament should not be demeaned that the oversight function, the principal function of all the Members in front of me and the Opposition, all the Independents and the majority of Government Senators, the functions that they perform in ensuring that we make the best possible law for the Republic of Trinidad and Tobago is held in equal esteem, not more.

I am not better than any of the 70-odd people, but I am not less. That is the issue. I am no less than any Member, whether he ran for election or whether he or she is a Minister I am not less. I know I am not more but I am definitely not less and since I am not less, I think as Sen. Creese said, the shoe is pinching that all of us here are being discriminated against. The issue, Madam President, is the future of the Senate.

Sen. Gopee-Scoon indicated that I will receive a pension from the university.

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I would not. I resigned from the university, a tenured position. People do not do that. Had I been still a full time member of the university I could not participate here, because when we talk about part-time and full-time—the ILO—we are in contradiction again for another ILO position. That is, they define part-time to be a threshold of 30 hours in some jurisdictions and 35 hours for the month and if you exceed 35 hours, then it is deemed to be full time in all the jurisdictions. How many—and Sen. Chote SC again was right, it is not time on task.

When I was a lecturer at the University of the West Indies, I lectured for six hours a week. People would say, he is only employed for six hours. Each hour would take me about 12 hours to prepare. It is like compensating a member of the bar only for the time he is in court. The time he spends going through the red books, we do not consider. And so when we are looking at part time or full time, we know we in the Senate, we cannot really be considered to be part time. I would not get that pension and this law is not about me.

Some of us are very fortunate. We can leave our very good tenured position and give public service because we have a capability to do two things to manage money and to earn money as consultants on the outside. But how many of us out there are that fortunate? And are we going to place the future of the Senate, this highest office to make the laws which will stand for 50 years in the hands only of people who could afford to be here? [*Desk thumping*] I thought the objective of the Senate law-making is to hear the views from a range. It is to hear the views—and this is not about compensation, it is about respect and consideration. You see that compensation, strike it out. Consideration, we want to attract the best that you could find if the society. The young we want to get. Look at the contributions we have had from the young Members of the Senate.

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I am always overwrought when Members in this Senate speak including the Government Members. I mean, Sen. Foster Cummings, I enjoyed his contribution of which I will have more to say. He broached on very important points. The fact of the matter is simply this, where are we going in the Senate and can we as Sen. Gopee-Scoon said, that this is about volunteerism and about public service. My response is simple, public service is not the same as charity. [*Desk thumping*] Charity is what you give to the Cyril Ross Home because they do not earn tax revenues. Public service is what we do here but there is no rule which says that public service equates to poverty, because if that is the case we become very aristocratic and we make the Senate as a Chamber only for the very wealthy, because these are the ones with the money and these are the laws of the land as the House of Lords was as one time. [*Desk thumping*]

Do we want our Senate to be a Senate made up of only the wealthiest people who have no money worries or do we want the Senate in the future, sometime in future, 10 years from now, to be made up of a number of people who could take five years out of their professional life or out of their other life and come and make a contribution and we tell them that their contribution was worthy? And therefore, we cannot pay you, but we would not discriminate against you and we want to let you know that the contribution you have made is equal to those of all Members of Parliament.

To this effect, I want to refer to the *Hansard* of the last day. And my colleague, Sen. Baptiste-Primus indicated that, in quoting from the SRC and I did not want to raise the SRC. This issue is not about the SRC:

“But more than that, an analysis of the criteria on which salaries are reviewed or justified, clearly demonstrates that the role of Senators, while

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valuable and important, does not have the same weight and expectation as the role of persons who are deemed to hold a special legislative office..."

So she is quoting the SRC, their position is that we are not that important. The moment someone tells Sen. Dr. Mahabir he is less than somebody, he gets a little bit jittery, you know. And she continues, and this is now stating a position of the Government:

"The Government is of the firm opinion that this process will result in highlighting the unique compensation differentials that are applicable to the different jobs. And we anticipate on this side that the conclusion that the role of Senators does not have equal weight to those as against others. That will be determined at the end of the exercise..."

They anticipate the conclusion is that:

"...the role of Senators does not have equal weight to those against others."

I am reading the *Hansard*. [*Crosstalk*]

Madam President, can I continue? I did not interrupt you know. I did not interrupt, Madam President, and thank you very much. There is an anticipation and my point with respect to the anticipation is this, the moment you say that legislators and overseers are going to be excluded because they are not elected, and all of us here are not elected, that they work part-time, they do not, and the moment you say that we anticipate that we do not have the same weight, then we are saying, implicitly that the legislative function and the oversight function in a Parliament; this is not the Government, this is not the Judiciary, this is the Parliament. I thought the function of a Parliament, as I did my research, was to make the laws, to amend the laws and also to provide some oversight.

So we want to look at the future of the Senate and to make sure that we can

attract people and let them—we already know that the salary is \$13,000 but we are not going to add further insult to injury by saying, well, you know, we are going to exploit you in salary and you are not good enough to collect a pension. Others are, of course, because more work and what incentive does that set up. It sets up an incentive for people not to serve in the Senate, “go and run for office”, that is what it is saying, “run for office and try to become a Minister”, that is where the real action is in the Senate. There is not really much that you do—in any event, you are part time.

Madam President, the second point I wanted to focus on was discrimination. In discrimination here, I thought I was very clear. It said a:

“‘legislator’ means a person”—the 1969 law, Chap. 2:03 defines a:

“‘legislator’, means a person who—

- (a) is an elected member; or
- (b) not being an elected member, is the holder of a specified legislative office;”

So there is a definition.

And, Madam President, whenever I see something like this I always go back to the classics where the real wisdom lies and I will quote from, *Through the Looking Glass*, Lewis Carroll, also the author of *Alice in Wonderland*. And on page 100, this is a conversation between Humpty Dumpty and Alice:

“When I use a word, Humpty Dumpty said, in rather a scornful tone, it means just what I choose it to mean—neither more nor less...

The question is, said Alice, whether you can make words mean so many different things.'

The question is, said Humpty Dumpty, which is to be master—that’s all.”

Humpty Dumpty was the master.

Those who make the laws are masters but are we free to define standard terms? That is an essential question in lawmaking. Can we chose to define and at the same time comply with international treaty where there is an international acceptance? Can we engage in legislation which is basically ad hominem. Ad hominem means really for one person. But can we select a group of 72 parliamentarians and say we are going to legislate for 48 of them and the 24 we cut you out. And there is capriciousness and arbitrariness and there is no rationale and whenever we treat someone or a group differently from others without regard to differential merit or without regard to individual merit, we are by definition discriminating. And when we come to discrimination—Sen. Creese pointed out very cogently. If we cannot recognize it here, if we cannot recognize it in the Senate, will we be able to see it when it exists outside; will we be able to see it, for example, Madam President, as around Christmas time when the police laid a charge on a poor woman selling fireworks in Christmas and at the same time the importers burning away millions of dollars of the country's foreign exchange setting up tent after tent, did the police check them out. I think that was discrimination.

If we do not, Madam President, if we do not recognize it here, will we be able to see discrimination for a domestic worker, a poor woman who cannot spend Christmas day with her family? She has to go and perform domestic service for another rich family and she is not unionized. A lot of what the ILO has done is for the benefit of unionized people, but a domestic worker is not unionized and she gets no extra compensation, will we see that as discrimination or is that acceptable? Will we see as discrimination the woman, again, who has to leave her

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family on Boxing Day and go and act as a shop clerk, because we have now a habit of opening stores on Boxing Day?

In the past we used Boxing Day for family affairs without any extra compensation, will we be able to see it in Senate. If we cannot see it in front of our noses every day, will we be able to see it amongst the most vulnerable in our society, those who are not unionized, [*Desk thumping*] those who have to earn a living and if we do not see it, will we be not in contravention of the ILO which says that we need to ensure that there is peace via the elimination of social injustice.

Sen. Crease was right, it went beyond \$3,000. It is looking at what is happening here and let us set the example for down there. Once it is fixed here I feel I have the moral authority to look at all areas of discrimination so that I will be able to take whatever steps I can in the seat that I have the honour to sit in so that gradually we will eliminate across the country this notion where those with power feel that they can derail the rights of those without.

Madam President, let me focus on the 2015 law and—Madam President, how much time do I have, because I do not want to—could you tell me how much time I have left?

Madam President: You actually have until twenty to five.

Sen. Dr. D. Mahabir: Twenty to five. Madam President, I will look at you with such kindness if you will allow me to continue until twenty to five, but basically let us look at the June 06, 2014 amendments which came into this Parliament. I was a member of the committee, together with Sen. Small, and what I find surprising, what I find disconcerting was that when that particular Bill was brought by the Partnership Government there was agreement between Government and

Opposition at the time with respect to ensuring that the discrimination I spoke about, it is under clause 8 to which they are referring, was going to be removed, that there was a recognition in 2014 that a wrong had been done and they were going to correct it.

What was unfortunate at the time and the *Hansard* would reflect it is that we were talking about judges' pensions at the same time and I remember Sen. Camille Robinson-Regis, now in the other place, making a passionate plea for ensuring that the judges pensions were raised because many of the those who had served in the Judiciary, the brilliant minds, were living under hardship because the pensions of judges did not keep up with inflation. And there was agreement too, where there was no agreement then, was the fact that there were certain clauses and I certainly did not agree with it then and I would not agree with it in the future if ever it comes, parliamentarians who serve I think 15 years were entitled to 100 per cent pension. And my point was, no, it cannot be right, let those who serve the maximum time in the Parliament of 15 years get the same pension like those who have served the full thirty-three and a third years in the public service which I think was two-thirds of their last salary. I could not agree in the committee to 100 per cent pension for any one. But I agreed at the time and we all agreed to every one getting a pension at least, Madam President.

I want to focus on the *Hansard* and it is a point that Sen. Cummings made, very valuable contribution of which there is much appreciation and with respect to Sen. Rambharat, Sen. Chote raised the issue. The SRC cannot change the law, the Parliament must change the law and we want to find out what really was behind the making of the law. And I would like to refer to the *Hansard*, but not to the *Hansard* of January 31st of this year but to the 1st of July, 1969. I am grateful to

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Parliament staff for presenting to me this particular excerpt from the *Hansard*. This was the day that this fateful piece of legislation was piloted in the Senate. And at 3.45 p.m., around this time 47 and some years ago, the then Attorney General, the Hon. G. A. Richards, who I understand was the father of the former President, Max Richards, stated in piloting this Bill, this Retiring Allowances (Legislative Service) Act:

“A time may come when it may be felt that it would perhaps be right and proper to make some provision for Members of the Senate. I would suggest that we ought to leave a matter like that to the normal course of political evolution of our country.”

So in 1969, in piloting this particular Bill, the then Attorney General indicated that:

“A time may come when it may be felt that it would perhaps be right and proper to make some provision for Members of the Senate.”

He left the door open and at 3.55 p.m., in response, Sen. Inskip Julien, if ever there was a Senator with whom I would have loved to have a cup of tea, it is a Senator called Inskip Julien. I understand he was an eminent solicitor at the time. I knew his name; I did not, of course, know him personally. Sen. Inskip Julien who I understand also was an Independent Senator stated:

“...this bill, in my view, is utterly bad.”

This was 1969. This did not go down, you know, it did not go down well.

“...this bill, in my view, is utterly bad. I think it is immoral; it is offensive. It is offensive in that it seeks to discriminate against certain Senators.

I say it is not only offensive but it is unconstitutional...”—Mr. Vice-President. It was the Vice-President sitting in the Chair at the time.

“Mr. Vice-President...Too often we find that deserving Members who have

given their services to their people are forgotten”—this Bill—“permits pension rights to...some...for example the President, the Leader of the Senate...But such Senators as Dr. Date Camps”—and—“Nicholas Simonette”—we will come back to Nicholas Simonette—“But such Senators as Dr. Date Camps”—and—“Nicholas Simonette who have made admirable contributions to this Senate, have been denied a pension...”

Just a few weeks ago, I paid a glowing tribute to Sen. Nicholas Simonette. I was never able to meet the man while he was alive, but after 15 years, Sen. Nicholas Simonette left this Parliament without a pension but only with a glowing tribute. I think it would have been nice—he was a member of the Government—I think it would have been nice after 15 years for someone like Sen. Simonette—you see, he was a Senator without portfolio from the Government, not an Opposition or Independent, he was held in such high regard. Thankfully, Sen. Simonette had a wife who had some business acumen and they were able to organize themselves after 15 years.

A former coordinator of the Independent Bench, someone whom I hold as my mentor whenever I have to deal with a troublesome issue, I always ask myself, what would Sen. Prof. Spence have done in that situation? A towering figure who also served for 15 years. Sen. Spence came to visit me one day and not only there was, of course, no pension, but he was proudly showing off the new car that he was able to afford. That new car was a Toyota Tercel. You should see how proud he was, that was all, to get a brand new Tercel. Sen. Spence was someone who gave up millions in consulting. No one knew more about cocoa and chocolate than Sen. Spence. Cadbury would have taken him. But he spent 15 years in the Senate with absolutely no thank you.

So, that was what happened in the—I am not talking about hypothetical or theoretical. Sen. Mark was one of those who spent a lot of time—thankfully for him he spent some time in the other place, so I suspect there would be some arrangement there for him. But he would have left after 20 years and some would perhaps have said, he did not deserve anything, but really some would have said, but he left after 20 years. And had he not served in the other place, he would have been denied. It takes a certain category of people, Madam President, we have had them in the past and they have built the Senate. These are the people who have created an institution that I feel privileged to be a part of and I worry. I ask myself, will we find these people in the future? Can we guarantee our democracy on volunteerism? Is our society going to continue to throw up? Are we not taking a chance or are we going to say, let us recognize that the past was the past, what people in the past put up with, people in the future may not tolerate and let us end the discrimination.

Madam President, I go on to page 1246 of the *Hansard*. You see, it is important to know the history, as Sen. Foster Cummings indicated, of the legislation. On page 1246, Sen. Margaret Lucky-Samaroo, we have had some prominent women in the Senate, 1969, she was an Opposition Senator. Sen. Margaret Lucky-Samaroo:

“My views are very strong and I think we should be included. We sit here sometimes...”—this is Margaret Lucky-Samaroo in 1969—“We sit here sometimes one day, two days, or three days, and, in between, half days.”

Madam President, recently we sat here on a Saturday. So I held a view that maybe it is only within recent times the Senate started to sit every day of the week because the Standing Orders are very clear. According to the Standing Orders, let

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us look at meeting times:

“...the Senate shall meet”—Standing Order 10—“on Tuesdays and every adjournment of the Senate shall be to the next Tuesday”—unless the Senate of course moves—“a motion”—and—“Except as otherwise”—stated we—“shall begin at 1.30 p.m....and end at 8.00 p.m.”

When was the last time that happened? I do not know. So we have really and for those who say I am not employed in the Senate, economically what—I am an economist, you must forgive me. Whenever we expend effort and we perform work in exchange for a compensation, we are deemed to be employed. I do not know what all the other—so I do extend a lot of effort and I do work and I do get a little compensation, so I am employed, so she said:

“We sit here sometimes one day, two days, or three days, and, in between half days...Perhaps you should give us no salary; I would agree to that. Either treat us fairly, like the other Members or give us no salary whatsoever.”

Sen. Margaret Lucky-Samaroo.

Finally, I come to Sen. Bleasdell. Sen. Bleasdell, on page 1246, whom I understand was an independent. What does Sen. Bleasdell say:

“In the first place, Cabinet ignored the Senate, because when they decided to form the committee they did not select anybody from the Senate to serve on it.”

Look at the history. There was a Select Committee of the House of Representatives and not a single member of the Senate was selected to serve on it. Whenever there is a Joint Select Committee, two Independent Members are called. You have here, there, procurement legislation, but on this one, on this one, they did

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not select anybody from the Senate to serve on it. So, in 1969 the Members of the other place formed a committee, did not include anybody from the Senate to serve in it and Sen. Bleasdell, let the cat amongst the pigeons, in the first place there was no intention to consider the Senate.

And then, Madam President, on 4.25 p.m. Sen. Stollmeyer blatantly said, I will not support this legislation. At 4.25 p.m.—he was an Independent, Jeffery Stollmeyer, famous cricketer, former chairman of Republic Bank.

4.30 p.m.

I pay homage, you know. I always thought that, you know, the Senators at that time were people who were just here as window dressing. These were individuals who made such forceful contributions and they challenged the status quo, and I stand in awe and admiration of them and it is with gratitude I look at their contributions.

At 4.25 p.m. on the 1st of July, on that fateful day, the Attorney General, in summing up the debate stated:

“Mr. Vice-President, I have every bit of sympathy with the point of view expressed by Senator Bleasdell...I have no doubt that in time to come some re-consideration may be given to all these things and that some future legislation may emerge out of it. I do not want to close to doors on that.”

And what was the response of Sen. Bleasdell that he was responding to. According to Sen. Bleasdell:

“The Attorney General said the time will come.”

That was 47 years ago. And Sen. Bleasdell said 47 years ago:

“I think the time is now and not to come...”

Madam President, the time to do right is always now. [*Desk thumping*] We

cannot speak about cost because what I am talking about, to future Senators. Twenty-four Senators by \$3,000 is \$72,000 a month. What I am talking about has no implications on the budget. What I am talking about cannot be attuned to any sensitivity to prevailing economic environment. If we relate it to the economic environment, we do not understand economics. Because we are going, really, to make a position jeopardizing the future of our democracy for \$72,000 in the future? Is that what we want as a country? Is that what we want for the future?

Seventy-two thousand dollars and therefore place a Senate at risk, and do not get the best in your society. I thought the function of the Parliament is to get the best of the society from all walks of life, regardless of your economic situation, to come and make your contribution so we produce the laws that are fairest for all.

Madam President, as I am about close to winding up, I recall United States' history, and in 1865 a civil war was fought and concluded, and it was fought and concluded on the basis of the abolition of slavery. But it took 100 years because between 1865 and 1964 every single legislature in every single state thought that the time was not right to pass civil rights legislation. In 1865, there was an end to slavery but it was only in 1964 that Lyndon Baines Johnson decided that he was going to write the Civil Rights Act and put it into law, and for 100 years after slavery the African Americans, descendants of slaves, had no civil rights.

I am not talking about human rights; rights enshrined by the Constitution and for 100 years—and did it take legislators? I have heard the talk, you know: pass it on to this commission and that commission and the third commission. No, Madam President, it did not take the legislators to do right. It took one lady. Her name was Rosa Parks. Rosa Parks decided that, “You see me? Me eh sitting in de back ah no bus.” And that allowed the movement to galvanize and 100 years later

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the wrong was finally righted.

Madam President, we in the Senate will be judged, as I looked at the Parliament of 1969 and I asked myself: How could they have formed a select committee without including members of the Senate to fix themselves and to exclude the Senators? And I look at the contributions of the 47 years ago and I say, I am grateful for all of those Senators who contributed. I apologize to people like Nicholas Simonette who would have served here for 15 years, and I want to make sure it does not happen again to Senators in the future.

Madam President, the time is not to come; the time to do right is now. Let us defend our democracy and let us make sure that the discrimination among Senators is a thing of the past and let the Eleventh Parliament be the Parliament to put right that which was an old wrong.

Madam President, I plead and I beg to move. [*Desk thumping*]

Question put.

Hon. Senators: Division.

The Senate voted: Noes 15 Ayes 8

NOES

Gopee-Scoon, Hon. P.

Baptiste-Primus, Hon. J.

Rambharat, Hon. C.

Moses, Hon. D.

Hosein, Hon. K.

Henry, Dr. L.

Singh, A.

Coppin, W. M.

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Sen. Dr. Mahabir (cont'd)

Cummings, F.

De Freitas, N.

Baksh, Miss A.

Dookie, D.

Lewis, Miss A.

Romano, Miss A.

Mohammed, W.

AYES

Mahabir, Dr. D.

Small, D.

Shrikissoon, T.

Ramkissoon, Miss M.

Chote SC, Miss S.

Creese, S.

Raffoul, Miss J.

Richards, P.

The following Senators abstained: Miss K. Ameen, Mr. W. Sturge, Mr. R. Samuel, Mr. G. Ramdeen, Miss R. Ghany, Mr. HRI Roach.

Motion negatived.

Madam President: Hon Senators, we will take the tea break at this stage and we will resume at 10 minutes past five. So we are suspended until 10 minutes past five.

4.38 p.m.: *Sitting suspended.*

5.10p.m.: *Sitting resumed.*

Madam President: Before I call on Sen. Sturge to raise the next Motion on the

Order Paper, may I inform Members that I have granted leave to Sen. Sturge, pursuant to Standing Order 42(11), to read his contribution. Sen. Sturge. [*Desk thumping*]

**UNACCEPTABLE LEVELS OF VIOLENT CRIME
 (GOVERNMENT STEPS TO DEAL WITH)**

Sen. Wayne Sturge: Madam President, I beg to move the following Motion standing in my name:

Whereas the responsibility of a Government is to ensure public safety and security through the maintenance of law and order;

And whereas the Government has failed to address the extraordinary increase in the level of crime in Trinidad and Tobago:

Be it resolved that this Senate take note of the increasing and unacceptable levels of violent crimes in Trinidad and Tobago;

And be it further resolved that this Senate call on the Government to take all immediate and necessary steps in the shortest possible time to deal with the unacceptable crime level facing the citizenry of Trinidad and Tobago.

Madam President, this Government came into office giving the impression that they had the answers; the answers to a number of burning issues not limited to the foreign exchange shortage, not limited to economic policies, whether directed towards stimulating the economy or economic diversification, but to a number of issues, chief among them, national security and the criminal justice system.

Madam President, 17 months later, no one can deny that this Government clearly did not have the answers on any of those issues aforementioned. [*Desk thumping*] And I can say, without fear of contradiction, that this Government has shown itself to be a colossal failure on safeguarding the security of our citizens,

and by its inaction on the criminal justice system, this Government has been proven to be an epic failure.

Madam President, section 4 of our Constitution guarantees to all citizens the right to life, liberty, the security of the person and the enjoyment of our property. A Government that cannot protect its citizens and guarantee them security of their persons and protection of their property, does not deserve and has forfeited the right to govern. [*Desk thumping*]

This Government came to power on September 07, 2015 and now September 2015 which saw 49 murders in that month and now notoriously referred to as “Bloody September”, will be remembered as one of the most murderous months in our country’s history. January this year has also turned out to be another one of the most murderous months on record, with 60-plus murders. This comes on the heels of 2016 which again ranks as one of the most murderous years in our country’s history.

Since September 2015, life, in the words of Hobbes, has become nasty, brutish and short. In fact, just to provide context, if we start with figures from 1994 to present, we will see that there is a correlation between PNM governance and exponential increases in the murder rate. From 1994, 143; 1995, when the UNC took office, 143; 1996, 106; 1997, 101; 1998, 98 murders; 1999, 93 murders; the year 2000, 118 and the year 2001, 151. And then PNM ruled from 2002, 171; 2003, 229; 2004, 260; 2005, 386; 2006, 368; 2007, 395 and then our record, 2008, 550 murders that year; 2009, 509 and then, well, 2010 would be decided half/half. Well, if you compare that—and then we have 2016, 463, and I have already read the term of the UNC. Now I refer to the People’s Partnership: 2011, 354 down from a high of 550 under PNM rule; 2012, 383; 2013, 408; 2014, 403 and 2015,

again half and half, 410.

Madam President, I am virtually certain that rising criminality and astronomically high murder rates are a by-product of PNM rule. I am also convinced that the PNM has accepted this as self-evident. How else can we explain their inability and lack of political will to deal with crime and the criminal justice system?

Madam President, I have looked at the PNM's 10-point crime plan, a plan which we were all duped into thinking was the panacea for all of our ills concerning crime, a plan which they put in their manifesto and which they marketed on the campaign trail and which they repeated in both budget presentations. Well, let us look at this 10-point crime plan and let us randomly evaluate some of the points to determine whether and to what extent it has served us, if at all.

And this is the 10-point crime plan of the PNM.

1. Appoint a Commissioner of Police—fail.
2. Manpower audit—fail.
3. Establish municipal police in all 14 local government bodies—fail.
4. Give power to Police Complaints Authority to prosecute—fail.
5. Parliamentary oversight—done.
6. Make witness tampering an offence—fail.

And if I may pause here, anyone with an understanding of the criminal law would know that you do not need to make witness tampering an offence. That is already an offence at common law.

7. Make unlawful eviction an offence—fail.

But let me pause again. How is unlawful or making unlawful eviction an offence

going to reduce rising criminality in Trinidad and Tobago? There is no evidence that this unlawful eviction is something that is prevalent. So then, how does this make its way into a 10-point PNM crime plan? Simply, this was just filler because they obviously did not have 10 points.

8. Review gang legislation—fail.

9. Urban renewal plan—fail.

That, again, I suggest, is more filler.

10. Make the Caribbean Court of Justice the final Court of Appeal—fail.

They have failed in nine out of 10 of their 10-point crime plan. And now that we know that the much touted PNM crime plan was an epic failure scene, let us examine how they have treated the citizens who they have failed.

We have, Madam Speaker, at present, in the Ministry of National Security, three Ministers, the substantive Minister and two others. We also, some time ago, heard the Prime Minister say that he would now take responsibility for the police service and as head of the National Security Council one would expect some form of leadership. The Prime Minister spent his five years as Leader of the Opposition laying the blame for this country's crime scourge squarely at the feet of the former Prime Minister, Kamla Persad-Bissessar. Let me quote the Prime Minister, what he said when he was Leader of the Opposition:

“And if the Government can't deal with”—crime—“then the Government itself is part of the problem, '...’”

Let me repeat:

“...‘if the Government can't deal with”—crime—“then the Government itself is part of the problem, '...’” [*Desk thumping*]

Madam President: Sen. Sturge, just for the *Hansard* records, what are you

quoting from, the date? Is it a newspaper article? What is it?

Sen. W. Sturge: It was a newspaper article. I will supply it after, Madam President.

Now that he is Prime Minister he has shifted that responsibility and put it squarely on the shoulders of the police service, and now, from what is being said in the public domain, the latest mantra is that “crime is not a switch that you can turn on and off”. So we have moved from:

“...if the Government can't deal with”—crime—“the Government is part of the problem.”

—to now “crime is not a switch you can turn off and on”.

Madam President, when it is quite clear that they had no clue what to do, instead of facing the people, they have now resorted to issuing press releases asking those young people who are involved in crime to choose another way, to put the gun down and choose another way. That is not a crime plan. Madam President, in January, the population witnessed seven murders in one day and waited in vain to hear from the hon. Prime Minister to be given, at least, an assurance that help is on the way. But what we got was a night-time press release, again begging the young persons to put down their guns. And just six hours later the Prime Minister is seen, through social media, having a time in a fete in Moka. When that went viral, Madam President, he did not turn up at the UWI fete because Facebook was waiting on him. Now that he is feeling the pressure from social media and cannot fete as he wants, suddenly the Prime Minister wants to have a conversation with the people. Is that a crime plan, Madam President? Is that the best he can do? Epic failure. Epic failure. [*Interruption*] Be quiet. Epic failure. [*Desk thumping*] Failure!

Madam President, he wants to have a conversation with the people. What does he hope to achieve? The people did not campaign for five years making empty promises. The Prime Minister is hoping that during those conversations he might learn something; he might get some ideas along the way. But the truth is, we, the taxpayers, are paying him to do a job and we do not want anyone going on publicity stunts to talk. The time for talk has long gone. It is time for action.
[Desk thumping]

So I want to tell the people of this country, the people who want to go and sit and talk with the Prime Minister—*[Crosstalk]*

Madam President: Sen. Sturge, one minute. Sen. Ameen and Minister, please, let Senator Sturge continue, please.

Sen. W. Sturge: Thank you, Madam President. Madam President, I want to tell those people who want to go and sit and talk and have these conversations, I want to remind them that when the Prime Minister comes to talk, he comes with heavy police escort and when he leaves, he leaves under heavy police escort.

Sen. Baptiste-Primus: Kamla had it too.

Sen. W. Sturge: Would you be quiet, please? And when they leave—

Madam President: Sen. Sturge—

Sen. W. Sturge: She is interrupting.

Madam President: Minister, please, let the Senator make his contribution. Let us listen to him in silence. Sen. Sturge, it is not within your remit to tell anyone to be quiet. Okay?

Sen. W. Sturge: Obligated.

Madam President: Thank you.

Sen. W. Sturge: “Cyar take it. Yuh cyar take it.” So when he leaves, he leaves

with heavy police escort and when the people who are having conversations leave, they do not. So I want to take it with a grain of salt and I want to tell them when the Prime Minister comes to talk to them, tell him you “doh want no talk, yuh want action”. [*Desk thumping*] It is time to tell the Prime Minister to stop abdicating his responsibility. Madam President, this same politician who spent five years marching every morning to remove the last government, when citizens started talking recently about marching, he is now telling us that marching has never achieved anything. Excuse upon excuse, failure upon failure. No crime plan.

Madam President, I heard the Attorney General lamenting that the Privy Council and two other international human rights bodies are the reasons why the death penalty cannot be carried out. There are two issues I want to raise here. Permit

me in dealing with the first issue, Madam President, to read from an article written in the *Sunday Guardian* of 5th of February, and to quote from Mr. Peter Pursglove:

“The death penalty can be carried out in T&T, but the Government has to take the appropriate action and demonstrate the political will to have it done...” [*Desk thumping*]

He goes further:

““There is no merit to the excuse that...the failure of governments to implement the death penalty is all the fault of the Privy Council and the International Human Rights Bodies,””

So this excuse being proffered by the Attorney General is—[*Interruption*]

Madam President: Minister, please, I do not want to have to be on my legs on this.

Sen. Baptiste-Primus: Sorry, Madam President.

Madam President: Sen. Sturge, continue please.

Sen. W. Sturge: Obligated. So, Madam President, this excuse being proffered by the hon. Attorney General is just that, an excuse, simply an excuse. It is an excuse, we say, that is designed to whip up support for the abolition of the Privy Council and replace it with the CCJ, which we know the Prime Minister and the President of the Law Association has worked on in the past, since in Opposition.

Madam President, permit me to say, the Privy Council has not prevented us from carrying out the death penalty. If the Privy Council wanted to do that, Dole Chadee and his gang would still be alive. [*Desk thumping*] Anthony Briggs would still be alive. So let us not get caught up with using our desperation about crime to achieve what is really a political objective. If the Government really wanted to carry out the death penalty, they would do what Peter Pursglove SC suggested, or they would pass legislation to circumvent *Pratt v Morgan*. Madam President, the second thing I want to say on this issue of the death penalty is this. Whilst most of us want to see the death penalty carried out, I do not see how we can hope to carry out the death penalty if we can only charge in four out of every 60 murders. So if 60 murders take place and you only charge four persons, I do not see how you are going to hang them. As of June last year, the detection rate for murder was 8 per cent. If out of the 70-plus murders this year, you can only charge five, then what is the detection rate now? Is it 3 per cent, 4 per cent? And then you still have to hope for a conviction and then hope that the conviction is not overturned on appeal, which takes me to the criminal justice system.

Madam President, before I go into what must be done by way of solution, let me briefly outline what I have identified as the major causes of crime as I am able to glean from my 18 years in the criminal justice system, the broad categories who

are committing these murders and why.

5.30 p.m.

Broad categories would be:

1. Those that are strictly drug related.
2. An existing turf war between Muslims and Rasta City;
3. Muslims versus a smaller group of Muslims referred to as Unruly ISIS;
4. Other gang wars;
5. Paid assassinations;
6. Killings as part of a robbery or home invasion, or other crime;
7. Domestic; and
8. Other confrontations that result in killing.

Madam President, quite apart from murders, home invasions that involve rape and other forms of violence must be dealt with, but we must first understand that there is no one cause to rising criminality, and since crime is multifaceted, then solutions must also be multifaceted; and while some of our killings are carried out by novices, many are not.

Now I want to ask, Madam President, have they considered that many of the killings have the stamp of professionalism? What are the reasons for these killings and who is paying for them? Is it strictly drug related? How are so many of our killings carried out with such finesse and expertise? Many of our murders are carried out in a way which suggest that they are well planned. Many of those murders are carried in such a way that there is not a shred of physical evidence left behind. Many of those killings are carried out in a manner which suggests that the killers are highly skilled, well trained, and not some bandit who is nervous and shooting indiscriminately.

Who among us can carry out murders with such skill and perfection? Who among us had the luxury of training and perfecting their art uninterrupted without having to look over their shoulders, or having to worry about a national security helicopter passing over? Is it time for law enforcement, I ask, to look inwards; or it is that these killings are being carried out by returning ISIS fighters? These are the things that we need to know. If we know the causes, then we know how we arrive at our solutions. It is obvious that many of the drug-related killings may very well be carried out by hired guns, guns who may have been hired by members of the armed forces regrettably.

Now, I move to another topic. Madam President, 20 years ago without all the technology that we have now, we had very high detection rates. Is it not obvious that something is amiss, that something is not adding up? All this technology and we have the lowest detection rates anywhere. We pay the most money on national security and we get the least results. That cannot continue. So I ask: Does the Minister of National Security know what is the reason for the Muslims versus Rasta City war; or the reason for the Muslims versus Unruly ISIS? Where are all the guns coming from?

You see, Madam President, we were given the impression that legislation expanding the remit of the SSA was needed as a matter of urgency, that it would go a long way in crime detection, and we have in the last nine months, since the passage, seen the exact opposite and the Act which we were told was so urgently needed and had to be passed is still awaiting proclamation.

Madam President, before dealing with what I believe are some of the solutions, short-term, medium-term and long-term, permit me to indicate what is not a crime plan. Victim shaming and victim blaming is not a crime plan. [*Desk*

thumping] No matter how you want to spin it, or who you want to call to support it, or to put a spin on it, it is not a crime plan, but it is an insult to the memory of the victims and their families. Permit me also to say that if you virtually shut down the Poverty Reduction Unit, this will only serve to fuel desperation and poverty-driven criminal activity among the most vulnerable of our society. [*Desk thumping*] That cannot be any kind of plan.

So that having been said, Madam President, permit me to go in to some of the solutions, first short-term, then medium-term, and if time permits long-term.

In the short-term, I propose a few solutions and the first of these:

1. Fire all three Ministers in the Ministry of National Security. [*Desk thumping*]

We cannot continue with three Ministers who have all proven themselves to be failures. To do otherwise would demonstrate to the citizens of this country that you simply do not care. If in 16 months, both the substantive Minister and the two additional Ministers have made no impact, then you cannot expect anything new from them next three months, next six months, or next nine months. [*Desk thumping*]

Madam President, if in private enterprise, if you hire someone to deliver and he has not delivered with a reasonable time, you are justified in firing him. Why should it be any different on such an important matter? [*Desk thumping*] What realistically can we expect from the Minister and his two Parliamentary Secretaries? If they have not made an impact in 16 months, I suggest they will not make any more impact.

2. Short-term. Give the Attorney General a deadline of one month to bring the necessary legislations to Parliament to remove the strictures

of *Pratt v Morgan*.

It is time to forget about pride and bring that constitutional amendment Bill which you did not support when you were in Opposition. Your position then was that you did not support the Bill because you did not want to tinker with the Constitution. But since this Government showed that it is prepared to tinker with the Constitution, as we have seen with respect to SSA and Marriage Bills, then that is not an argument that can be made now. In the meantime, I suggest that they earmark a small team of lawyers dedicated only to ensuring that death penalty cases are heard within the time frame set out by *Pratt v Morgan*. They must have this as their only task in the same way as suggested by Mr. Peter Pursglove, who had set up the case management unit in the 1990s and which ensured that and Dole Chadee and his gang, and Anthony Briggs, were hanged within the five-year stipulation of *Pratt v Morgan*.

Madam President, as we speak, there are at least 10 people on death row who are candidates for hanging—hang them. By doubling the complement of court transcriptionists, there is no reason why trial notes cannot be available for appeal within six months, and why appeals to the Court of Appeal cannot take place within one year. Similarly, there would be no reason why appeals to the Privy Council cannot take place within one year, which means that the five-year time frame in *Pratt v Morgan* is very realistic and can be complied with as was the case with Chadee and Anthony Briggs.

3. Give the Attorney General three months to bring the suite of crime legislation he has been promising us for the last 16 months, [*Desk thumping*] in particular, legislation that would speed up the hearing of firearm-related cases.

As at 10th February, of the 70-plus murders, 51 are firearm-related murders. A simple amendment to the Firearms Act to make—well, the issue as to whether a manufactured firearm is a firearm or not, to make that simply an amendment will remove the two and half year pre-trial period of waiting for the Forensic Science Centre to say whether a firearm manufactured by a firearm manufacturer is a firearm within the meaning of the Act.

Madam President, when a person charged with possession of a firearm, or a shooting, or any firearm-related offence for that matter, has to wait three to four years for his case to start, a lot can happen in the meantime. Most persons charged with firearm-related offences are, in fact, undetected murderers, often repeat offenders. They are not businessmen waiting too long for a firearm users' license, or ordinary folk keeping a gun to protect their families from home invasion. I say if we speed up firearm-related cases and have these offenders on the inside where they belong, I guarantee this Senate, that you would see a swift reduction in crime-related murders. [*Desk thumping*]

If they are not prepared to pass legislation to have firearm-related offences heard within three months of charge, then I suggest the murders will continue. Ninety-nine per cent of the firearm cases I have seen in my 18 years have only two prosecution witnesses. Most firearm cases can therefore be completed in one day. So you can have all the criminal case management rules you want, if you do not amend the Firearms Act as suggested, then the problems associated with a three to four-year wait for trial will subsist.

4. Crime does not occur inside police stations.

There is no reason why we should see 15 to 20 police officers in a police station at any one time while crime is taking place outside. If there are persons in

custody, there should be enough officers to carry out duties apart from guarding prisoners, but I suggest let members of the defence force remain stationed outside police stations to guard police stations. You need a maximum of three or four police officers at station.

I suggest that a foreign expert be hired to analyse the strength of our police numbers and the available fleet of vehicles with a view to having police base strategically located island wide, with a view to having response times limited to five minutes. We have enough members when we combine police and the armed forces. I suggest that we identify, designate and cordon off crime hotspots, and to ensure that entry to and exist out of these areas are limited to a maximum of three, each having check points manned by joint army and police patrols.

If our detection rate, Madam President, remains at the 3 or 4 per cent, then the criminal class, I suggest, will believe that murder has no consequence. So these are the things we have to do to catch them. There is a clear nexus—and I have said it before—between low detection rates and high crime rates.

5. Double the capacity of existing court facilities.

When I was admitted to practice in 1998, court started promptly at 9.00 and ended promptly at 1.00. If we can return to that, we can use the existing courts to hear capital matters in that morning period, and from 1.30 to 5.30 in the evening, we can have an evening shift where we can try matters where persons are on bail and the heavy morning time security is not necessary. Having two shifts per day will double the capacity of the courts until more courts can be built. It means in the interim that we do twice the amount of cases as we do now; it simply requires a doubling of judicial staff and support staff.

6. Establish a database on existing firearms in police custody, whether

belonging to the police, or seized by the police.

The time has come for an increase in personnel at the Forensic Science Centre with a focus on ballistics and tool mark identification. Firearms already seized and in the possession of police should have tool mark impressions checked against projectiles, bullets collected from every firearm-related murder so that a database can be established allowing ballistics experts to work backwards with a view to solving unsolved cold cases.

7. Cameras.

Madam President, CCTV cameras should be installed at major intersections nationwide, and in particular at junctions in specific hotspot areas which must be traversed.

8. License plates.

The time has come to bring an end to private enterprise being allowed to produce license plates for sale. The Motor Vehicle Authority must be the only entity entitled in law to issue license plates. Any other person doing so should be subject to heavy criminal sanctions. The ease with which license plates can be purchased privately, with no regulation, makes it very easy for those of the criminal class to simply use a different license plate when committing an offence, making detection virtually impossible.

Madam President, the case of an Audi motor vehicle which occurred a few weeks ago, which pulled alongside another motor vehicle which had supposedly given them a bad drive along the Churchill-Roosevelt Highway, that case remains undetected in spite of the fact that that carriageway has CCTV cameras. That can only be so because if the CCTV cameras can track the license plate of that vehicle then you would know who the owner is, but if it is the wrong license plate then we

would never get detection. Once CCTV cameras are strategically located, working in tandem with a well regulated Motor Vehicle Authority and the police responder's zone to allow swift responses, detection rates will increase.

9. Customs.

It cannot be denied that two of the largest discoveries of illegal firearms and ammunition happened during random searches of containers at the ports of this country—legal ports. One such firearm must be well-known to those involved in the political arena as it was found at the home of a Valsayn person—and it was a container of firearms. That container passed through the port unchecked. So it cannot be with these two containers containing firearms, it cannot be that those were the only two instances since they were random searches. It is therefore obvious that the only solution would be to scan every container. [*Desk thumping*]

The argument that this would slow down commercial activity in my mind is a hollow one. The Government must decide on whether saving lives is a priority, or whether appeasing the business class is a greater priority. [*Desk thumping*]

10. In short-term solutions, return the SSA to its original remit which is drug interdiction [*Desk thumping*] and matters associated therewith.

If the drug trade is widely understood as being inextricably bound up with violent crime, then it stands to reason that greater focus, or greater success on drug interdiction will have a positive impact on violent crime.

The SSA, we submit, should work closely with the coast guard, which is our border patrol, with a view to limiting access to our shores. If our existing fleet of naval assets is determined to be inadequate, maybe the time has come to revisit a shiprider type agreement and seek assistance from the US Government in protecting our borders.

Medium-term:

1. To significantly reduce the delay in the criminal justice system, it is now imperative that preliminary enquiries be abolished.

Preliminary enquiries serve no useful purpose as the test to be applied by a magistrate to commit for trial is the same test applied by the Director of Public Prosecutions to instruct the laying of a charge, which is a prima facie case. Accused persons are routinely committed to stand trial at the Assizes and it is a rarity for accused persons to be discharged, hence if everyone is being committed, what is the use of going through a process that is going to be repeated again?

Preliminary enquiries add to the delay, some enquiries taking between two to three years. Time between committal by the Magistrate and the filing of an indictment by the DPP also adds another three to four years; add another three to four years on the trial list waiting your turn for trial. Inordinate delay between charge and trial will naturally have a deleterious effect on witness reliability and allows for interference by the accused, either directly or indirectly, and for those witnesses in the witness protection programme, the adverse effects are particularly poignant. If preliminary inquiries are not abolished, conviction rates will continue to be abysmal.

2. Strengthen witness protection programme.

Madam President, because criminal cases now take 10 to 12 years on average before a trial takes place, the existing Witness Protection Programme will continue to fail. Witnesses in the Witness Protection Programme are uprooted from their surroundings and have their lives interrupted for 10 to 12 years away from family members and live like virtual prisoners. Many witnesses opt out of the programme owing to the inordinate delays and the restrictions inherent in

such a programme. Exiting witness protection programmes are not designed to have family members accommodated which adds to the burden on witnesses.

As such, alternatives were sought and such alternatives as the amendments to the 2007 Evidence Act has not worked, as jurors are naturally hesitant to convict where statements of witnesses are read out in court and those witnesses are not subject to cross-examination, or seen, or heard in court.

3. Incentivize the criminal bar.

Madam President, 20 or 30 lawyers practising at the criminal bar is a recipe for endemic delays. The fact that the Office of the DDP faces an alarming exodus of prosecutors, added to the fact that only a handful of newly admitted practitioners join the private criminal bar annually, shows that there is very little incentive to practice criminal law. When cases involving multiple accused are tried, activities and cases in other courts grind almost to a halt as the experience in practitioners are otherwise engaged.

The creation of a public defender's office as being suggested will do little to address this issue and predictably, will suffer the same fate as the Office of the DPP for the same reason.

4. More courts.

The exiting quota of courts, six at the Port of Spain Assizes, three in San Fernando, is not in keeping with existing needs. With 700 persons waiting to be tried for murder, it will take 20 years to eliminate the backlog.

5. Reduce the number of matters that can be tried either way, making them strictly summary matters which can be heard by a Magistrate only. Trial on indictment before a judge and jury should be reserved for the most serious of offences and offenders.

6. The police service must at some point subject itself to scrutiny.

Over the next three years, Madam President, I suggest that every single member of the police service must be subjected to polygraph testing and other forms of integrity checks. The police service would be the perfect candidate of first choice for the much touted “explain your wealth” legislation. [*Desk thumping*] There are far too many officers who live way beyond what existing salaries permit and this must be carefully scrutinized. The public must be guaranteed that police officers are beyond reproach. A legitimate lack of public trust is one of the primary reasons for juries feeling unable to convict.

7. End reliance on the common law rules of disclosure and implement full disclosure in criminal cases.

Madam President, if this is done, this would encourage accused persons and their lawyers to make informed decisions and engage in plea bargaining. It is worth noting that in the United States only 3 or 4 per cent of criminal cases make it to trial, most are plea bargained away. If we do not accept this approach, again we will be waiting another 20 years to clear the existing backlog.

The long-term solutions. Madam President, there are some causes that can only be treated by implementing—[*Interruption*]

Madam President: Sen. Sturge, you have five more minutes.

Sen. W. Sturge:—measures that will take effect in the long term. Where the ordinary law-abiding citizen kills his wife, or sibling, or neighbour, in a fit of rage, is an example of the type of deviant behaviour that cannot be eliminated in the short-term, but it can be minimized by a paradigm shift. Where religious leaders lead, where we inculcate positive value systems not only home but in the schools, because if you wait for it to take place at home, it may not in most cases, this is

where we need to look. We are where we are in large part because certain religious bodies abdicated their responsibility 15 to 20 years ago. The fear of God and respect for human life is no longer being inculcated in our young minds.

Madam President, religious leaders now apologize for their beliefs. We no longer teach tolerance. Our religious leaders are afraid to call a spade a spade, and just like calypsonians, some taking political sides and keeping quiet when it is politically correct. When leaders of political parties can boast about using the services of obeh men and our religious leaders remain silent, something is wrong. When 60-something-year-old married fathers are having a time dancing with 17-year-old girls on Harris Promenade, something is wrong. [*Desk thumping*] Something is wrong when that happens and we do not hear Father Harvey. Something is wrong when a Prime Minister resorts to victim shaming and victim blaming and we hear Father Harvey supporting it. [*Desk thumping*]

The time has come to call a spade a spade. If we cannot look to our religious leaders to take a stand on matters of right and wrong, then what do we leave for our young ones when those who are required to speak out are remaining silent. It is time we have at least a policy framework ready for implementation in our primary schools. Religious instruction must once more like in the old days become mandatory, as it is in St. Joseph Convent, as it is in Maria Regina. We have to ask ourselves: Why do students in those model schools turn out so very different to students in other schools? If you want to be a success like the students of those schools, then you need to replicate and emulate what they are doing. It is not rocket science. And there are students in those institutions who also come from broken homes. So we need our religious leaders to lead and we need to take a stance.

Madam President, the reality is that most students in this country come from homes, even if not nuclear homes, there are at least support system in place. I will not repeat what I have said in the past about making social services directly involved in at-risk schools, and having child psychologists available to at-risk students. That point has been made ad nauseam. I have said it before and I will say it again, if we do not deal with the issues, the young ones, the giants while they are babies, we are asking for trouble. If we do not do it, then instead of having more psychologists and social workers, we would be needing to hire more police officers, prison guards and lawyers, and that is not a plan.

Madam President, in closing, I thank you for your listening ear and for your protection, and I beg to move.

Madam President: Someone has to second the Motion, please.

Sen. Ameen: Madam President, I beg to second the Motion and reserve my right to speak later.

Question proposed.

ADJOURNMENT

Motion made and question proposed: That the Senate do now adjourn to a date to be fixed. [*Hon. P. Gopee-Scoon*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.58 p.m.