

SENATE

Thursday, May 25, 2017

The Senate met at 2.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]



LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence to Sen. H. R. Ian Roach, who is ill, and to Sen. David Small, who is 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

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

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

TO: PASTOR CLIVE DOTTIN

WHEREAS Senator Hugh Russell Ian Roach is incapable of performing his duties as a Senator by reason of his illness:

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

UNREVISED

by section 44(1)(b) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, PASTOR CLIVE DOTTIN, to be temporarily a member of the Senate with effect from 25th May, 2017 and continuing during the absence of Senator Hugh Russell Ian Roach by reason of his illness.

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 25th day of May, 2017.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

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

TO: MR. ALBERT WILLIAM BENEDICT SYDNEY

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

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALBERT WILLIAM

BENEDICT SYDNEY, to be temporarily a member of the Senate with effect from 25th May, 2017 and continuing during the absence from Trinidad and Tobago of the said Senator David Small.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 25th day of May, 2017."

OATH OF ALLEGIANCE

Senators Pastor Clive Dottin and Albert William Benedict Sydney took and subscribed the Oath of Allegiance as required by law.

PAPER LAID

Annual Audited Financial Statements of Trinidad Nitrogen Company Limited for the financial year ended December 31, 2016. [*The Minister of Energy and Energy Industries (Sen The Hon. Franklin Khan)*]

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen The Hon. Franklin Khan): Madam President, the Government is pleased to announce that we would be answering all questions on the Order Paper.

Ministry of Energy and Energy Industries Permanent Secretary (Extension of Services Beyond Retirement Age)

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

Why have the services of the Permanent Secretary in the Ministry of Energy and Energy Industries been extended beyond the compulsory retirement age as set out in the Civil Service Regulations?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin

Khan): Thank you, Madam President. Madam President, the Trinidad and Tobago energy sector is at a crossroad. Sustained declining production combined with low global commodity prices have diminished the contribution of this sector to national economic development. Its contribution in 2011 to the national GDP was 45 per cent, and to revenue at 41 per cent, declined in 2016 to 18 per cent, and 18.1 per cent, respectively, based on provisional data. Given this new economic environment, the Government recognizes that it must chart a new strategic direction for the energy sector. This is critical for the efficient management of our country's existing energy assets and hydrocarbon resources. Paramount to this exercise is the capability of the government agency charged with the responsibility for the monitoring and regulating of the energy and mineral sectors in Trinidad and Tobago.

The Ministry of Energy and Energy Industries has been given that responsibility. However, the Ministry has been weakened by the loss to industry on a sustained basis of key technical personnel and by retirement of senior managerial personnel. The recent attainment of the retirement age of 60 years by the Permanent Secretary, Mr. Selwyn Lashley, is a case in point. Mr. Lashley who has been at the helm at the Ministry for over four years was due to retire at a time when he was involved in a number matters, which are at a critical stage. These include the Ministry of Energy and Energy Industries restructuring, executive level mentorship, preparation of a new five-year strategic plan 2017 to 2021, the conduct of energy policy consultations, renegotiation of key contract terms in existing production sharing contracts, finalization of cross-border and cross-border discussions with Venezuela, and implementation of the transfer-pricing modalities and renegotiations of the LNG contracts.

In addition, Mr. Lashley was recently appointed head of a team whose

mandate was to provide recommendations to the Government for the restructuring of Petrotrin. He has also been Government's representative at the executive level at international fora, such as the Gas Exporting Countries Forum (GECF), and OLADE, and in the promotion of energy cooperation agreements with Guyana, Grenada, Cuba, and emerging energy provinces in Africa. In light of the foregoing, it was important that the services of Mr. Lashley be retained at an executive level to ensure the seamless continuity of the daily operations of the Ministry and to provide expert advice and support to the Minister on an ongoing basis.

Accordingly, a recommendation was made to the Public Service Commission to the re-employment of Mr. Lashley as Permanent Secretary, Ministry of Energy and Energy Industries, for a period of one year, from March 17, 2017 to March 16, 2018. The public service, in accordance with regulation 15 of the public service regulations, agreed to the re-employment of Mr. Lashley for the period March 17, 2017, to March 16, 2018. In this regard, pursuant to the regulation, the request was reported to the Chief Personnel Officer, who consulted with the Public Service Association, which agreed to the re-employment of Mr. Lashley as Permanent Secretary in the Ministry of Energy and Energy Industries.

Mr. Lashley is eminently qualified for the position. He holds a Bachelor of Science degree in Chemical Engineering from the University of the West Indies, a Master of Science degree in Natural Gas Technology from the Illinois Institute of Technology, and, additionally, he holds a Bachelor of Law degree from the University of London. I thank you, Madam President. [*Desk thumping*]

Sen. Mark: Could the hon. Minister indicate to this House whether there is any form of succession planning at the level of the Ministry of Energy and Energy Industries?

Sen. The Hon. F. Khan: Madam President, the issue of succession planning

is something that plagues the entire public service, it is not unique to the Ministry of Energy and Energy Industries. However, because the Ministry of Energy and Energy Industries has specialized skills that are needed to run the Ministry, sometimes succession planning becomes a challenge. And, basically, the major challenge is remuneration, because if you are a highly skilled energy expert, the Government cannot pay you to work in the Ministry of Energy and Energy Industries. So there are people who have the commitment and who have had a long career in the energy sector, they have done yeoman service. Right now we are in a recruitment process. As you would see, the Public Service Commission has given the Permanent Secretary responsibility in five Ministries, including the Ministry of Energy and Energy Industries to recruit its own staff, especially at a technical level, and a succession plan is now being put in place. And we hope to attract young bright scholars, and, more importantly, to retain them.

Sen. Mark: Is the Minister aware that there are well—highly qualified, I should say, personnel at the Ministry of Energy and Energy Industries at this time who could have easily replaced Mr. Selwyn Lashley, and why were those persons overlooked by the Executive?

Sen. The Hon. F. Khan: I would not dare say anything ill of my staff at the Ministry of Energy and Energy Industries, but after considering all our options we found it fit to offer Mr. Lashley an extension of one year for continuity and the wealth of experience that he has. It does not mean that we do not have people in a succession plan, but one year, I do not think, would hurt the succession plan in terms of the upcoming professionals, but we really needed him for this extra year.

Sen. Mark: Madam President, is the Minister aware that under the Civil Service Regulations, 14(a)(2), that this appointment could go up to five years? Is the Minister aware that the extension of this period, as the gentleman enters the

retirement zone, could go as much as five years? Are you aware of this?

Sen. The Hon. F. Khan: Yes. I have the regulations in front of me, 14(a)(2), it does say that he can be extended for one year, but may be renewed annually for up to five years. As I told you last week—

Sen. Mark: You did not tell me—

Sen. The Hon. F. Khan: Do not jump ahead of yourself, all we have done is extend him for one year. I am quite confident that within the year the succession plan will be very much operational, and I do not foresee any major extension beyond the year.

Sen. Mark: Exactly, and this is where I am coming, Madam President—is this Minister prepared to give this Parliament, this Senate, the undertaking that within one year there will be a smooth transition from the individual who currently occupies to a new person, so that you can have a breathing and exhaling of personnel whose mobility is now being stifled as a result of that decision?

Sen. The Hon. F. Khan: Obviously, I cannot give an absolute guarantee, but we would make our best effort to make sure that the succession plan works.

Rogue Elements in the Police Service

(Measures Taken to Remove)

80.Sen. Wade Mark asked the hon. Minister of National Security:

In light of increasing reports of rogue elements in the police Service, what measures is the Ministry putting in place to verify this information and to removing said officers?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam President. Madam President, the Ministry of National Security and the Police Complaints Authority continue to treat with the targeting and removal of police officers who are classified as rogue officers. Any such action,

however, Madam President, must be in accordance with the provisions of law. The Police Service Regulations outline the process to be followed for discipline and dismissal of a police officer. According to the said regulation, the Commissioner of Police can remove an officer in the public interest, and impose the relevant penalties in disciplinary proceedings. The regulations also state, Madam President, that an officer who is suspended shall report in person once a month to Head of the Division in the area in which he lives, and the Head of that Division shall report in writing to the Commissioner of Police.

Further, Madam President, the regulations provide for an officer who is charged with a criminal offence and is brought before the court to be simultaneously processed, as outlined in the regulations, where such officer is convicted to be terminated from employment, Madam President.

Sen. Mark: Could the hon. Minister indicate whether an audit has been done by the Ministry of National Security to determine the number of rogue elements in the police service that is undermining the integrity and credibility of the service?

Hon. Maj. Gen. E. Dillon: Madam President, no such audit has been done by the Ministry of National Security. However, I would want to put on the table that the manpower audit that is being done right now, that falls into part of the terms of reference for the manpower audit, Madam President.

Sen. Mark: Madam President, may I, again, through you, ask the hon. Minister, how many rogue elements, or elements that are operating contrary to well-established police principles and methods and protocol have been removed from the police service for their illegal, unlawful activities?

Hon. Maj. Gen. E. Dillon: Madam President, I do not have that figure at this point; however, it can be provided at a later date.

Sen. Mark: Madam President, in light of the action taken by elements of the police service to shut down the country through a day of policing, total policing, would you indicate to us whether any action by these elements—I do not know if you want to call them rogue elements, but do you believe that, for instance, action—or should I ask, Madam President, is any action being taken by the Ministry of National Security and the police service to deal with those elements who are responsible for that action?

Madam President: Sen. Mark, I would not allow that question.

Sen. Mark: Madam President, recently, the police were supposed to engage in a massive exercise in Central Trinidad, and the information was leaked, could the hon. Minister indicate, as a result of that leakage that took place, obviously by some rogue element, have the police been able to discover who was responsible for the leakage of that information?

Madam President: Sen. Mark, I would not allow that question. Sen. Ramdeen.

Sen. Ramdeen: Madam President, thank you. Madam President, through you, to the hon. Minister of National Security, Sen. Mark asked about rogue officers, but does the Ministry have any idea of how many officers in the police service are presently on suspension?

Hon. Maj. Gen. E. Dillon: Madam President, that number is available; however, I do not have it at this point in time. I am sure that is available. I can get that from the Commissioner of Police, because remember, disciplinary, according to the Police Service Regulations, is under the ambit of the Commissioner of Police.

Construction of Enterprise Police Station

(Details of)

81.Sen. Wade Mark asked the hon. Minister of National Security:

Given the response by the President of the Police Service Social and Welfare Association against the construction of a police station in the Enterprise community, can the Minister advise whether the Government intends to review its decision?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):

Thank you, Madam President. Madam President, the Government has made a commitment to the Enterprise community, and to the citizenry at large, and it is our intention to honour that commitment to ensure that a police station is placed within the Enterprise area, which we believe will be of benefit to the Enterprise community, Madam President.

Sen. Mark: Madam President, could the hon. Minister indicate whether the Government has located—has an area, I should ask, Madam President, been located by the Ministry of National Security for the construction of that police station in Enterprise?

Hon. Maj. Gen. E. Dillon: Madam President, the Ministry of National Security, together with the Commissioner of Police, we have looked at two areas with respect to the construction of a police station, and we are still deliberating based on which one would give us the best advantage to construct the police station. So we have looked at the areas within the Enterprise area.

Sen. Mark: Madam President, could the hon. Minister indicate whether any consultations would have taken place with the Police Association on this whole question of establishing a police station in enterprise?

Hon. Maj. Gen. E. Dillon: Madam President, no consultation took place with the Police Welfare Association. Consultation, however, took place with the Commissioner of Police and his divisional commanders.

Sen. Mark: Madam President, would the Minister not agree with me that in an effort to promote better relations between the police and the administration, and the Government, that the principle of consultation, on matters of the nature I have defined, would have been a preferable course?

Madam President: Sen. Mark, I would not allow that question.

Sen. Mark: Well, could I also, as I am on my legs Ma'am, may I ask the hon. Minister, is there a specific time frame that the Government has in mind for the construction and occupation by police officers of this station in Enterprise?

Hon. Maj. Gen. E. Dillon: Madam President, there is no specific time frame; however, the police station in Enterprise will be constructed as soon as possible.

FIRE SERVICE (AMDT.) BILL, 2017

Order for second reading read.

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you, Madam President, I beg to move:

That a Bill to amend the Fire Service Act, Chap. 35:50, be now read a second time.

Madam President, before I proceed, I crave your indulgence under Standing Order 42(11). Madam President, the Bill that is presented this afternoon to the Senate treats with the amendment of the Fire Service Act, Chap. 35:50. The Bill is a very short Bill, short but very effective, as it seeks to amend the Fire Service Act to allow for the payment of pensions and gratuities for fire officers who have been acting in the higher position for a continuous period of three years prior to retirement.

Madam President, the Bill essentials outlined: clause 1 sets out the short title of the Bill; clause 2 provides for the amendment of paragraph 3 of the Fifth

Schedule of the Fire Service Act by the insertion of the proposed subclauses (7A), (7B) and (7C). The proposed subclause (7A) provides that:

“A fire officer who—

has acted in a higher office for a continuous period for at least three years immediately prior to the date—

of his compulsory retirement; or...”—acts in that higher position prior to proceeding—

“on annual leave before the date of his compulsory retirement,

shall be eligible to have his pension, gratuity, or other allowance calculated as if he were substantively appointed to that higher office;”

Subclause (7A)(b) proposes that a fire officer who:

“satisfies the requirements...shall be required to pay...arrears of contribution calculated on the basis of the pay he would have received in that higher office had he been substantively appointed.”

Subclause (7B) proposes that:

“...arrears of contribution, which is payable...shall be—

determined on the basis of the pay the fire officer would have received in that higher office for each year in respect of which he acted continuously; and

deducted as a lump sum from the gratuity payable to the fire officer where practicable or from the fire officer’s pension in equal monthly installments over a period to be determined by the Comptroller of Accounts.”

Subclause (7C) seeks to make the aforementioned subclauses applicable:

“...to fire officers in the First Division and the Second Division who compulsorily retire or who had compulsorily retired from the Fire Service on, or after 1st January, 2008.”

Madam President, I stand here today to pilot this Bill with such pride, with such joy, because, you see, Madam President, on the 7th day of November, 2003, in my other capacity as president of the Public Service Association, I would have, my team and I at that time, would have negotiated this particular term and condition, and signed off on it with the Chief Personnel Officer, Miss Sandra Marchak, former Chief Personnel Officer, on the 7th day of November, 2003. So I am really delighted, Madam President, to round off, so to speak, the last peg of those officers who should have been enjoying this retirement benefit.

3.00 p.m.

Madam President, the Fire Service Act, Chap. 35:50 makes provision for the establishment of the Trinidad and Tobago Fire Service and identifies the purposes of the said fire service to include at section 3A, and I quote:

The saving and protection of—“life or property from damage or destruction by fire or other hazards, whether fire related or not;”—and “to render...humanitarian services where required;”

Madam President, the Fifth Schedule of the said Fire Service Act regulates the payment of pensions, gratuities and other allowances to be granted in respect of the services of fire officers. Based on the provisions of clause 3 of the Fifth Schedule, specifically at subclause (7), the calculation of a fire officer’s pension does not take into consideration where a fire officer may have acted in a higher position continuously for a considerable period, immediately prior to retirement.

Of course, Madam President, such a situation is not a fair one. After a public officer, and in this case, a fire officer who may have worked many, many years in

the fire service, may have acted for more than three years in the higher post, and would have retired without his pension benefits being calculated at that higher level, his pension benefits would have been calculated in the substantive position and, of course, we will all agree that is neither fair nor just.

Madam President, it is no secret that our labour legislation is in need of amendment. I prefer to call them “creatures of our time”, and for many of the pieces of labour legislation, their time is long gone and they no longer effectively address the rights and obligations of employees as well as employers in this country

Today with this Bill, this Government continues its thrust to provide for our public officers of this country, and in so doing, this Bill provides for the payment of pensions and gratuities for fire officers acting in the higher post for a period of three years or more, in a continuous capacity.

Madam President, in the official policy framework of the Government of Trinidad and Tobago, the commitment to fostering proper industrial relation practices is quite clear, we committed to reviewing and modernizing the labour legislative framework, recognizing that it is the lynchpin of an effective industrial relations system, and I am proud to say we have been delivering. Quietly, we at the Ministry of Labour and Small Enterprise Development have been doing our homework, and I will share a little later on the outcome of the hard work that we have been doing with a very efficient, committed and loyal team of public officers.

Madam President, we committed to dialogue. We committed to regular consultation. We committed to regular interaction with the labour movement and the employers of this country on all areas of policy, projects and programmes affecting the rights and interests of workers, labour and employers generally. We committed to produce a clear framework of rights and responsibilities in the

workplace. We also committed to facilitating tripartite engagement between Government, labour and employer, to foster and develop a peaceful, competitive and productive industrial relations climate. Madam President, and here we are again once more, delivering on our commitment to improve the lives, of not only public officers, but the citizenry of our beautiful twin-island State.

The need to modernize the legislative framework, to ensure that workers and employers' rights and responsibilities are upheld, cannot be underemphasized. It is critical that an appropriate legislative environment is created, especially one which is able to protect the more than 580,000 persons employed in Trinidad and Tobago, as well as those who will be joining the labour market within the future. This Bill will no doubt translate, hopefully, into increased enthusiasm, increased productivity and ultimately even better service from our hard-working and courageous fire officers.

It must also be noted that this Bill will give effect to a Cabinet decision of March 22, 2012, whereby Cabinet agreed that the Attorney General should amend the Fifth Schedule of the Fire Service Act to give effect to the terms of the memorandum of agreement between the Chief Personnel Officer and the Fire Service Association of Trinidad and Tobago, the Second Division, which is dated March 06, 2012, for the period January 01, 2008 to December 31, 2010.

This Bill will ensure that fire officers are entitled to have superannuation benefits of the higher position upon retirement, as do all other public officers dating back to 2003. Public officers such as teachers, prison officers and police officers.

Madam President, with this Bill this Government is giving effect to the principles of decent work, which actually speaks to the provision of opportunities for work that delivers a fair income, work that is productive, security in the

workplace and social protection for families. This Bill also provides for basic income security, by ensuring that a fire officer is entitled to have superannuation benefits of the higher position upon retirement, whether he is promoted to that position or not.

This Bill speaks to the third pillar of decent work, that is, the enhancement of social protection, as it protects fire officers from the vulnerabilities and contingencies of work in respect of payment of pensions and gratuities, by ensuring a fair pension for a fire officer who has acted in a higher position prior to his or her retirement. This will allow for fire officers to be paid a fair and regular income upon their retirement, and thus allow for greater security and support in their retirement, their twilight years.

This Bill presented today represents a way of thinking which is progressive and developmental, and having been approved by Cabinet since 2012, is long overdue. It is only a signal of the start of more legislative changes to be brought to this House—and also in the other place I am sure—pertaining to the rights and responsibilities of employees and employers.

On the legislative front, you would recall, Madam President, that the Ministry of Labour and Small Enterprise Development has some 22 pieces of labour legislation under its purview, the reform of each being of great importance. These pieces of legislation are outdated with the Employment Exchange Act, Chap. 88:09 being 98 years old. We have identified 10 pieces of labour legislation as legislative priorities of the Ministry, and which forms part of this Government's agenda. Permit me a moment to note that the legislative priorities include amendments as follows, to the Industrial Relations Act, the Retrenchment and Severance Benefits Act, Chap. 88:13, the Workmen's Compensation Act, Chap. 88:05, the Occupational, Safety and Health Act, Chap. 88:08, the Cipriani College

of Labour and Co-operative Studies Act, Chap. 39:51, the Friendly Societies Act, Chap. 32:50, the Co-operative Societies Act, Chap. 81:03, legislation in respect of the private security sector, legislation aimed at the prevention and elimination of child labour, and legislation outlining basic terms and conditions of work for all citizens of this country who would enter the labour market.

These legislative priorities are key to this administration fulfilling its responsibility for the prescription and protection of the rights and duties of workers and employers. It is projected that by 2020 these pieces of legislation will be revised—not a promise, but a commitment to deliver by 2020.

In keeping with the priorities identified within our labour legislative agenda, the Ministry of Labour and Small Enterprise Development has undertaken 11 much-anticipated genuine national tripartite stakeholders' consultations over the course of 16 non-consecutive days, beginning in January 2016. That first consultation, Madam President, mere months after assuming duties, began with the Co-operative Societies Act. That consultation was held over a two-day period, the 13th and 14th of January, 2016 in Trinidad, and in Tobago, January 29th.

Madam President, the consultation on the amendment of the Industrial Relations Act occurred on February 22, 2016 in Trinidad, and on April 08, 2016 in Tobago. The consultation on reducing our dependency on contract labour, an issue that is cause of grave concern throughout the length and breadth of the public service as well as the private sector, and this Government is committed to reducing that dependency on contract labour and, where necessary, converting those positions to permanent, pensionable positions. That consultation was held on April 13, 2016. The consultation on the Retrenchment and Severance Benefits Act occurred on May 18, 2016. The consultation on the basic terms and conditions of work code, was held on June 29, 2016. The consultation of Friendly Societies was

held on the November 23, 2016, followed by a consultation of lodges in Trinidad and Tobago on January 24, 2017.

Madam President, in the year 2017 on January 25th, we held a consultation on the review of the Cipriani College of Labour and Co-operative Studies, followed closely by a consultation on the review of the Occupational Safety and Health Act, which was held on March 21st and 22nd in Trinidad, and the Tobago consultation will be held on July 04th. Our most recent consultation was held on April 26th, 2017 on the Workmen's Compensation Act.

So we have been extremely busy, quietly busy. We are not on any rooftop shouting, but we are doing the work with a loyal, committed and hardworking team of public officers, who, I am proud to say, are not clock-watchers, and they are going beyond the call of duty and I am proud to be working with them.

So as we present this Bill today, I believe that this Government has again demonstrated its commitment to excellence in its service to the people of our beautiful Republic of Trinidad and Tobago. I am happy to advise that arising out of all those consultations—and the consultation had three waves of consultation, and I did not even go in to the dates of the other consultations where working groups were appointed with all the stakeholders, so they had a second bite at the cherry, and a third bite whereby they could have submitted their further comments and views.

Madam President, I stand here very happy to advise that that there are now three draft policy position papers before the Cabinet, which would inform the amendments to the legislation. They refer to the amendment of the co-operative Act, the amendment of the Industrial Relations Act and the amendment of the Retrenchment—[*Interruption*]

Sen. Ramdeen: Madam President, on a point of order, Standing Order

46(1).

Madam President: Minister of Labour and Small Enterprise Development, while you have given a broad context, I think you should actually try and deal now with the Bill itself, okay.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. As a matter of fact, that was my final statement to take me into my closing remarks—prematurity.

In closing, the presentation of this Bill demonstrates our resolve to fulfil our commitments to the people of the Republic of Trinidad and Tobago. In that context, I wish to express my gratitude for being permitted another opportunity to demonstrate the effectiveness of this Government, in addressing labour and industrial relations matters and for reaffirming that we are indeed seeking the best interest of our workers.

Madam President, I thank you, and I beg to move.

Question proposed.

Sen. Wade Mark: Madam President, thank you very much. On the issue of pension for public officers, in this instance fire fighters or what we call fire service officers, who can object? Who can oppose? Who cannot but support measures that are designed to improve, as the hon. Minister said, the quality of life of those officers, as we all will eventually, enter into that twilight zone of life called retirement. So no one could object to legislation that is designed to enhance the superannuation benefits of a public officer.

But in making my contribution today on this very important piece of legislation, I want to indicate from the very outset that I find the fire service, and I find firefighters as an element or an arm within the protective services sector, sometimes they are treated as almost third-class citizens. [*Desk thumping*] They

seem to be bastardized. They seem like when our parents came from Africa and India and they had us during that period, we were defined as illegitimates, and they seem to be in a world of their own as they struggle to save lives. They put their lives forward to save other lives, and to protect and save properties from destruction, and many fire officers have perished in this particular exercise.

Madam President, there are managerial challenges facing the fire service of this country. There is a lack of equipment facing the fire service. When you travel on Wrightson Road, sometimes you look at the fire station that is supposed to be the headquarters of the Trinidad and Tobago Fire Service and you feel that you are back in times in terms of buildings, because it has not been modernized. There has been no reconstruction of the fire service headquarters on Wrightson Road. It is dilapidated and it is almost a shameful manifestation of what is supposed to be a fire headquarters in Trinidad and Tobago. Not to mention the poor accommodation.

You would have read some time ago where fire officers had to leave their building in Point Fortin and place their dormitory and mattresses on the road, because a building that had been condemned by OSHA, the fire service and their administration and the Executive did not take any steps to either find a new buildings for these officers. So they actually had to leave that condemned building and actually occupy the streets. How can you treat your fire officers and your firefighters in that way?

So when I hear the hon. Minister of Labour and Small Enterprise Development speaking in such glowing terms about the fire service, and the hon. Minister is proud to move such a piece of legislation, I think that the hon. Minister has forgotten the state, the conditions that the fire officers are faced with on a daily basis. [*Desk thumping*]

I will come to the issue of the measure that is before us, because it seems to me that it is tackling symptoms and not the problem. The cause is the absence of regular promotion in the fire service. The cause is the failure of the Public Service Commission and the Chief Fire Officer—I have a legal notice before me, where the Public Service Commission in 2006 delegated authority, through Legal Notice No. 105 in 2006, to the Chief Fire Officer to promote that level called fire sub-officers—fire sub-officers, or they call it fire sub-station officers. I think that is the correct concept and term or title. And you know what?

Recently in December last year, close to 400 fire officers were promoted; over 200 were fire sub-station officers. They are at the low rank, like corporals in the police service. But prior to that, the last time they got promotions within the fire service was 2010, and the previous time was 2005. So it is why you had officers acting like Hollywood—like if they are in Hollywood—for four, five, six years, and when they reach compulsory retirement, they go home with a retirement pension at their substantive level. So if I were a fire sub-station officer and they give me an appointment as a divisional fire officer to act, which is high up the range, I am getting \$2,000 here but acting there, I will get about \$6,000. When retirement comes I would get pension at the rate of \$2,000, even though I have been acting for 10 years in this particular position.

Madam President, many fire officers and fighters have gone home at that level; some of them are almost like semi-vagrants in this country. It is really sad that it has taken—I agree with the hon. Minister of Labour and Small Enterprise Development when she was in another incarnation as PSA President in 2002/2003. The hon. Minister then was able to negotiate for civil servants who were acting in a higher position, to be properly compensated, meaning when they act in a higher office and they are about to leave at the age of 60, they would go at that rate of pay

for calculating pension purposes or for calculating pensions. That is what.

But you know what? Civil servants and other public officers got that good treatment in 2002, 2003. It may have taken effect in 2004. The police got their treatment like the civil servants in 2005. The prison officers got theirs in 2007, but look, we are in 2017 and the fire officers, the bastardized, they are almost as if they are outcasts, and we are now dealing with their matter in 2017. Why?

The hon. Minister told us a short while ago that there was an agreement signed off for the period 2008 to 2010. When that was done? In 2012. The People's National Movement was in office between 2002 to 2010, and they refused to enter into any serious collective agreement with the fire officers Second Division. So it took a PP Government in 2012 to sign off this collective agreement for the period 2008 to 2010. And it was in 2015 that the fire officers Second Division were able to sign off 2011 to 2013, and they are still waiting for 2014 to 2016. [*Desk thumping*]

3.30 p.m.

So they were able to get two collective agreements under the watch, under the stewardship, under the leadership of a very progressive Government called the People's Partnership. [*Desk thumping*] And that is why I take umbrage when the Minister of Finance, I missed him today because I wanted to deal with him. Why, Madam President—when I say deal with him, to engage him, that is what I am talking about. Yeah. Not to deal with him otherwise, you know, I am dealing with engaging. Right.

So when the hon. Minister of Finance tells the country that we saddled them, that is the PNM, with a \$5 billion bill to pay as backpay, Madam President, we were dealing with matters that they were supposed to deal with [*Desk thumping*] and they failed to deal with it. So what must we do with those firefighters in 2012

when they came to us to sign off a collective agreement for 2008 to 2010? Run them? Tell them wait? We had no choice, so we had to sign the collective agreement to get that going for the officers in question.

Madam President, there is a provision in this amendment called an Act rather to amend the Fire Service Act which speaks to the role of the Comptroller of Accounts which I will come to in a short while. But I want to let you know that there are two fire services in the Republic of T&T. There is the Fire Service Act, it is called the Fire Service Act, Chap. 35:50, and there is something called the Auxiliary Fire Service Act, I think it is 35:54 if I am not mistaken.

And, Madam President, may his soul rest in peace, he was my teacher when I was a pupil, a student I should say, at the institute called Progressive Educational Institute, and Martin Joseph, may his soul rest in peace, he taught me history. And I had the distinct opportunity of going, going with a delegation from the fire service, the auxiliary fire officers, to the Ministry of National Security under his leadership to do what, Madam President?—to make representation for those auxiliary fire officers who, having served in the auxiliary fire service and they served for 10 and 12 years and 15 years, when they made the transition to the fire service as regular fire officers, their services were not considered.

So you would have served in the auxiliary fire service for 15 years and then you moved across to the regular fire service and you might have reached there at the age of 30 because some people join the auxiliary from the age of 18 and 19 and they served for 10 years or 15 years and they go across at the age of 30. Under the Fire Service Act and the regulations governing the fire service, Madam President, you must leave the service at the age of 55, that is the retirement age for these officers at the rank of the fire substation officers.

So, you could imagine, Madam President, you served as an auxiliary fire

officer for 15 years, so from 18 to let us say you come across, let us say just for argument's sake 18, 20, 30, 33, and you have 34, 44, you have about a little 13 years to serve, 14 years before you reach 55. Madam President, you would only be granted pension calculated for the 15 years or thereabout that you would have served in the regular fire service. Madam President, that was wrong, that was wrong.

And we made representation to the hon. Minister of National Security that time, the hon. Martin Joseph, as I said, may his soul rest in peace. And we came to the Parliament and an Act was passed called Act No. 22 of 2006, and that Act of 2006, among other things, said that effective:

“...from January 1, 1991, a fire officer or retired fire officer who served as an auxiliary fire officer on a full time basis immediately prior to his appointment as a fire officer, shall be entitled to have both periods of service computed for purposes of the grant of pension.”

Sen. Baptiste-Primus: Who passed that? Who passed that?

Sen. W. Mark: That was under Martin Joseph. [*Crosstalk*] We had to protest. We have to put PNM against the wall, we have to put you against the wall [*Desk thumping*] in order to get this passed. Like the hon. Minister did not hear me. I told her I was like her with my union cap representing the auxiliary fire officers at the Ministry of National Security, just as how you represented your workers and you signed off, I represented fire officers without being involved in any union, but using my trade union experience to extract this legislation [*Desk thumping*] for them. So, yes, the PNM piloted it, but we were the ones who pushed the PNM, without pushing them and forcing them we would not have gotten it. [*Desk thumping*] So, I want to thank the hon. Minister, who is now dead, for pushing this and advancing this. But you know, Madam President, great is the PNM, it shall die.

[Desk thumping and laughter]

Madam President, let tell you something, let me tell you something. You know, what is sad about this whole thing? You know what is sad about this whole exercise? We are talking, you know, great is this and great is that. Madam President, this Bill was passed in 2006. It was assented to by the President of the Republic. They have never operationalized this Bill up to this time as we speak. This Bill has not been operationalized. Madam President, this Bill was passed by the PNM, it was never operationalized.

Hon. Senator: That is more than five years.

Sen. W. Mark: No. I am dealing with an issue affecting and this Bill is No. 22 of 2006. *[Crosstalk]* So if you pass a Bill in 2006 and you knew the challenges facing the auxiliary fire officers, and this was effected up to January 01, 1991. You know how many auxiliary fire officers who have left the service, have died, they have died and they have not gotten their pension because of the fact that the Government of the Republic of T&T did not operationalize this piece of legislation, Act No. 22 of 2006. So that is why when my friend was saying “great is this and great is that”, I told her pause, pause, because yes they passed it, but they never put into effect.

Now, Madam President, you know why I raised this with you and this honourable Senate? We are here again debating another measure. Will it have the same fate as this one had in 2006? *[Desk thumping]* That is the question. Would it have the same fate? Would it suffer the same consequences as a result?

Hon. Senator: Are you voting for the Bill?

Sen. W. Mark: Of course I am supporting the Bill, I am supporting the Bill, but I am outlining to the hon. President and to this honourable Senate the deficiencies, the flaws, right, involved in rushing things and not really effecting

them, and that is what I am concerned about, Madam President. What are we going to be doing to compensate all those families whose fathers and whose loved ones have died without receiving a pension, without receiving their pension? That is what is the main concern of my person this evening. Madam President, so that is a very important area of concern that I raise. So when we talk about decent work and we talk about social protection and we talk about a fair and decent pension, you must be able to meet your obligations, meet your obligations to these people.

Madam President, I want to refer you to the Fire Service (Terms and Conditions of Employment) Regulations, 1998, it is Legal Notice No. 206 and it was issued in 1998. I go to page 1374 and I am looking at part five. It deals with payment of pension, and I want to quote:

“43(1) The computation and authorisation of pensions and gratuities of officers whose retirement from the Service is known to be impending shall be treated as urgent matters of high priority.”

It goes on:

“(2) The Chief Fire Office through the Permanent Secretary shall ensure that particulars of service and pay of each officer whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts not less than six calendar months before the date on which the officer concerned is due to retire, in order to enable the computation and checking of pensions, retiring allowances and gratuities to be completed by the Comptroller of Accounts and the Auditor General and submitted for authorisation before the date on which the officer’s retirement from the Service is due to take effect.”

Madam President, this is regulation 41(1), 41(2). What is the practice? Madam President, public officers—be you a public officer; be you a civil servant;

be you a contract officer; be you a Member of Parliament; be you a police officer; be you a firefighter; Madam President, it does not matter. You inevitably will get your pension two years after you retire in this country.

We have been waiting for our little “cacadah” here in this place, it is now 20 months and Members of Parliament who served in the last Parliament are yet to get their gratuities in this Parliament, just as an example. I am advised that there are several firefighters, several firefighters who are waiting for their retirement pensions for months into years, they cannot get their pensions. Why? Because, this section of the regulation that says all your documents must reach the Comptroller of Accounts six months before you go on retirement so that they can do the computation, make sure the records are properly organized. So, if you leave next week within two weeks you shall receive your gratuity cheque and at the end of following month you get your monthly pension. That is how it is supposed to be.

But, Madam President, you know that there are over 50,000 persons in the public service? Do you know that? Do you know that as we speak we have close to 15,000 contract officers in the public service and every three years, once they roll over they are entitled to gratuity and the Comptroller of Accounts and the Auditor General combined have to do whatever computation that they have to do for you to get your piece? Do you know that there are close to 20,000 daily-rated employees in this country and the Comptroller of Accounts also has a role to play in that?

But what is the reality? The reality is that the Comptroller of Accounts, this problem is public administration, it is the Ministry of Finance, it is the Auditor General, and what is happening is that there is a very severe shortage of staff in all of those critical areas, particularly in the office of the Comptroller of Accounts.

[Desk thumping]

So, Madam President, you know, these public hearings that we have been

having, I must tell you they are very rich in terms of information that they bring to the attention of the general population. The Public Accounts Committee held a meeting on the 22nd of June, 2016, and the Comptroller of Accounts was there, as well as the then Permanent Secretary, Mr. Suite, in the Ministry of Finance, and the question of pensions came up and they asked him, Mr. Suite, for some of the reasons for the ability, for the reason why the pensions management branch is unable to pay pensions on time. And the first reason he gave was the expansion of the public service in the 1970s and the 1980s and those people like the “baby boomers’ are now about to retire and they are coming out in droves and therefore, they do not have the staff to deal with those people. So the first reason Mr. Suite advanced at that time, was the issue of the expansion of the public service in the 1970s and the 1980s.

The second reason he attributed for the absence or the inability of the Comptroller of Accounts to meet the pension obligations is the proliferation of persons on contract employment in the public service; that is second reason.

The third reason he gave was the presence of daily-rated workers in the system that the Comptroller of Accounts also has to address. He talked about the realignment of Ministries that also contributed to the confusion as it relates to records and documentation. That is another reason that Mr. Suite advanced for the chaos that took place.

He also made mention of the action taken by the PSA. I do not think the honourable leader was there, that is to say, the PSA President at that time. I think it was your successor who had OSH problems and they shut down, as you recall, the office and as a result of that shutdown of the Comptroller of Accounts and the Treasury Division offices, Mr. Suite is saying that a backlog built up and they have never been able to recover from that backlog.

So, Madam President, contract workers, the backlog and most importantly staffing, the staffing structure of the Treasury Division needs to be corrected. There is not the right mix of staff given the size of the public service, as well as the number of contract officers in the public service, so the staffing structure is one of the reasons also at the Comptroller of Accounts. So, Madam President, a number of reasons were advanced for this situation, and I do not know if the Government has taken any action to do deal with this matter.

I remember that in 2009 when the former Minister of Finance dealt with public pension reform at that time in 2007, although the budget was read in 2009, the hon. Karen Nunez-Tesheira indicated that the liability of the Government in terms of public pension was between \$22 billion to \$30 billion as at the 1st of January, 2007. That was only at the 1st of January, 2007, so we do not know as we speak today what is the Government's liability in terms of pensions in the public service.

In 2007 it was close to \$30 billion, that is those people in the system and they were projecting when they would retire and the amount of payments that the Government would have to make. Because as you know, Madam President, the system that we have today is a defined, it is not a defined contributory plan, it is a defined benefit plan. So, we do not contribute, in other words, whilst we pay, we pay who are on the pension system, the bulk of the public officers in the system do not pay, they do not pay, and that is the problem. And that is why this issue of pension reform is a matter that we need to pay attention to. I think Jamaica under the IMF watch has now been able to reform their public pension system because they had no choice because they were under the IMF. I do not know if we are waiting for the IMF to come here to tell us how to reform the public pension system in Trinidad and Tobago, [*Desk thumping*] but it is a challenge that we have

and it is very big and it is very huge.

So, Madam President, I want to raise one final area for your attention, delegation of authority. Madam President, I read somewhere and the hon. Minister of Energy and Energy Industries boasted today that the Public Service Commission has delegated authority, delegated authority to six Ministries including his Ministry to recruit public officers generic to their Ministry or his Ministry. They would advertise, they will hire and they will discipline, so they are recruiting and they are disciplining. But, you know, Madam President, I looked all over, I asked the legal department here to get for me a legal notice because that does not happen like that. I have a legal notice in my hand where the Public Service Commission in 2006 delegated authority to the Chief Fire Officer, it is in a legal notice. But we are being told by the PNM that the Public Service Commission has granted to these Ministries the power to recruit and the power to discipline. Where is the legal notice? I have not seen the legal notice yet.

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

Sen. W. Mark: Thank you very much, Madam President. So, I raise this raise this question about delegated authority to come to page 16 of the Public Service Commission report and to show that even though this was delegated to the fire service through its Chief Fire Officer since 2006, the Chief Fire Officer and the Public Service Commission still were not able to make any promotion in the fire service for 2006, 2007, 2008, 2009 and 2010 even though they had delegated powers. They did promotion in 2010. In 2011, 2012, 2013, 2014, 2015, 2016 until December, no promotions. Promotion took place, Madam President, in December of 2016, where they promoted about 400 fire officers. So, I just want to let the hon. Minister know that you do not get delegated authority just so, and I have some worries, but that is another time. I have a matter, I think, I filed so I would not—I

would be premature, I do not want to go there. I will reserve my fire for then, not now.

Madam President, so in closing I want to let you know that we support the measure that is before us to give these officers the opportunity, who are acting in higher offices, to grant them pensions in those offices once they reach retirement age and they are about to leave. We have no problem with that. But, Madam President, I am saying to you and to this honourable Senate that the problem is deeper than that. The problem is the absence of the Public Service Commission and the Chief Fire Officer working together to have appointments made and promotions made and vacancies filled so you do not have actors in the system as we are having at the present time. So that is where the problem lies. The problem lies, Madam President, in the absence of a system of regular promotion in the public service to avoid this conundrum and difficulty that is being faced by public officers.

So, I want to say, in closing, that while some public officers are dying and they cannot get their pensions, I saw an audit firm called Ernst & Young getting some \$20 million in audit fees to conduct audits. And I have also seen where a company and a financier of the PNM a fella called David Brash has a vessel called *MV Transporter*, and if I understand what he is getting on a daily basis in US dollars, in US dollars, Madam President, he will be getting close to \$8 million to \$9million at the end of this year. So whilst ordinary people cannot get their pension, whilst ordinary people are dying because they cannot get their pension, people who are financiers and supporters—[*Interruption*]

Sen. Cummings: Point of order, point of order, Madam President, 46, point of order.

Sen. W. Mark:—are getting it easily. Madam President, I thank you very

much. [*Desk thumping*]

Sen. Dr. Dhanayshar Mahabir: [*Desk thumping*] Madam President, I begin with thanks and I think everybody in this Chamber, Government, Opposition and Independent know my position on pensions. Let me summarize that position. [*Laughter*] Let me summarize that position. Our position, my position on pensions is that it is such a critical matter it should not be politicized, it should rather be rationalized, [*Desk thumping*] and it should be reformed and it does not matter whether the pension holder is the highest office holder in our land for which there is legislation or the most, or the least paid workers in Trinidad and Tobago, we need to look at our pension legislation to ensure that there is no inequity, there is no discrimination and that we understand pensions in all its manifestations so we could continually reform it.

Madam President, this is a very short Bill and because it is short there are things I do not know that I would like to know. And the first that I would like to know—there are only two clauses. The first matter that I would like to know really is certainly the Ministry of Finance Pensions Division would have had the number of officers involved. And given the actual numbers—this Bill does not refer to all retired officers, but only those who were acting during their career and who were not confirmed in their position and therefore, we would now amend the legislation so that they would obtain a pension based upon the position in which they acted in.

4.00 p.m.

So, it could not be a tremendous amount of persons, and I am sure the Pensions Division would have been able to give us physical numbers, and therefore I would have been able to determine what the cost to the State is going to be on account of this provision. We are after all—and we are being told on a daily basis that there is a huge gap, the maximum amount of revenues collected by the hon.

Minister is \$40 billion. He says \$37 billion, but it could vary between \$37 billion and \$40 billion, and since there is a gap of around \$10 billion we must always be mindful of the cost. But, given my knowledge of these matters, I think the cost is going to be trivial, but it really would have been good to know how many officers were involved.

Second, Madam President, it would also have been beneficial, since my view on pensions is that it ought to be—

Sen. Baptiste-Primus: Madam President, if you would permit me?

Sen. Dr. D. Mahabir: Yes, I will give way.

Sen. J. Baptiste-Primus: I just wanted to be clear, the question you were asking. You wanted to know how many officers will benefit from the passage of this piece of legislation?

Sen. Dr. D. Mahabir: Yes, Madam President, I wanted to know how many officers would benefit, because it has implications not only for cost, it has implications for whether—as Sen. Mark alluded—the commission responsible for promotion is really efficient or inefficient. And if there are many officers who acted and who were not confirmed, then it is sending a signal to me as a legislator that maybe we ought to look at the efficiency of the promotions process so that the matter does not arise in the future. So that I really would like to get that bit of information. I am sure it is available. Normally, in a computerized system one simply has to go, issue a command, all officers who have acted and who are in receipt of a pension, and we could get the numbers. I suspect it is not that way organized.

Madam President, there is a second issue, and I am sure the hon. Minister of Labour and Small Enterprise Development would have paid some attention to it, and the question to be raised is this: Is it that it is only fire officers who are

affected by this provision, or are there other officers of the State for whom arrangements ought to be made? I am not sure. [*Desk thumping*] For example, prison officers, are they similarly circumstanced as fire officers, and do we have to address their concerns? Nurses in the RHA who—I do not know, and I think the Minister of Labour and Small Enterprise Development would be in the best position.

Sen. Baptiste-Primus: I would clarify at the end.

Sen. Dr. D. Mahabir: Okay. The third point I would want to raise, Madam President is this. The clause that I want to focus on is clause 2 and it says:

“A fire officer who—

(a) has acted in a higher office”— and I will return to this clause later on in my contribution—“for a continuous period...”

—continuous period, so that we are not adding a three-month here and a six-month here, he must be, or she must be acting for a continuous period:

“...of at least three years immediately prior to the date—

(i) of his compulsory requirement;”

It is immediately prior to the date, and I am just wondering whether we do not need to re-look at this. Because, take an officer who has acted in a higher position for three years, he has two months to go before retirement, but his superior returns from a three-year study leave, completed his—I would imagine—degree or whatever, returns, and the officer who has acted for three years returns to his position for two months, and when he goes on retirement, of course, because the service was not continuous—although he has acted for three years—he is not in any way going to be compensated for having acted for three years, although the period between him acting and his retiring might just be a few months. And, I am wondering whether it is Government’s policy that in that situation we do not

consider giving them a lump sum to compensate for the fact that they were not the beneficiary, via the luck of the draw, for not having acted continuously onto retirement.

So, Madam President, I know the hon. Minister will let us know what is happening with respect to other areas of the public service. She said she mentioned it, but it may have missed me, but whether there are other workers similarly circumstanced, the number of officers, and whether consideration would be given to officers whose service while continuous may have been truncated a few months before their retirement so that this matter of continuity therefore affects them adversely.

Madam President, I was just wondering, you see, where this clause 2 emanated from. It says:

“A fire officer”—under clause 2—“who—

(a) has acted in a higher office for a continuous period of at least three years immediately prior to the date—

(i) of his compulsory retirement;...

shall be eligible to have his pension, gratuity or other allowance calculated as if he were substantively appointed to that higher office;”

This clause came from somewhere. It was lifted from somewhere. And, from where was it lifted? I consulted Act 23:52, the Pensions Act of Trinidad and Tobago, and what—this 23:52 Pensions Act was first passed, it was Act No. 16 of 1934, amended, of course, on a number of occasions subsequently, but what does 16A of this Pensions Act tell us?—16A of the Pensions Act of the Republic of Trinidad and Tobago says:

“Where an officer who immediately prior to—

(a) the date of his compulsory retirement; or

(b) the date on which he proceeds on annual leave prior to the date of compulsory retirement

has acted in a higher office for a period of three continuous years, that officer shall be eligible to have his pension, gratuity or other allowance calculated as if he were confirmed in that higher office and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be an officer to whom regulation 11(a) of the Regulations applies.”

And the regulations then spelt out the conditions under which he would collect said pension.

So, here it is, Madam President, we have before us a Bill—two clauses — aimed at amending the Fire Service Act 35:50, and the substantive clause in this Bill has been lifted from the Pensions Act governing Trinidad and Tobago, 23:52. Now, when I read this Pensions Act 16A, nowhere did it indicate that there was a date from which 16A would come into effect. I am sure the legal officers, the Chief Parliamentary Counsel will be able to give some advice, but 16A to me is the law of the land. It is an Act of Parliament, 23:52 clearly spelling out that there is an officer who is entitled to obtain the pension even though he acted. So that, what we are doing with this particular Bill is simply following the law as stated in the Pensions Act. [*Desk thumping*]

And that, what concerns me, Madam President, is this. What concerns me is that we are saying under clause 2 of the Bill, the very last subclause, it says:

“Subclauses (7A) and (7B) shall apply to fire officers in the First Division and the Second Division who compulsorily retire or who had compulsorily retired from the Fire Service on, or after 1st January, 2008.”

So, I did not see a truncated date in the Pensions Act, which is the law, but I am seeing a date of 2008 in this Fire Service Bill. There has to be good reasons for

mentioning 2008, but, Madam President, if I were a fire service officer who retired in 2007 in an acting position, and I saw my colleague who retired in 2008 in an acting position, in receipt of a higher pension than I am now receiving, I will simply ask: Why does this 16A not apply to me? Because, collective agreements, notwithstanding— the law of the land in my mind is the law of the land, and it must apply across the board.

So, in this context I have circulated an amendment—now, I understand, I know fully well this is a money Bill. In a money Bill I have no vote, but there is nothing preventing me attempting to influence policy—that is the reason for this debate—as I did during Sen. Sturge's Motion on crime, attempting to influence policy to see to what extent, from where I sit, I could bring to bear to the debate my own positions on matters, which could improve public policy.

So that, I have some concerns with respect to what exists in clause 2 of this Bill and what exists in the Pensions Act of Trinidad and Tobago, 23:52. And, therefore, I am proposing the following for consideration. This is the amendment I am proposing:

Subclauses (7A) and (7B) shall apply to fire officers in the First Division and the Second Division who are eligible for the receipt of a pension and compulsorily retire or who had compulsorily retired from the fire service prior to the proclamation date of this Act.

So that, someone who retired in 2007 in my mind should be covered based upon the provisions of the Pensions Act of Trinidad and Tobago, which to my mind is the law of the land. This will have to trump collective agreements. This Pensions Act states quite clearly that once you have acted for three years you will get the pension. So, I do not know whether the 2008 came in because of some collective agreement or not, but my position is, I would like to conform with the

law of the land, and therefore a fire officer who retired not in 2008 but in 1988, and who is still alive, should fall under the provisions of this particular Bill. [*Holds up document*]

Madam President, I raise this matter because of the following: It starts off with the first point I made: How much is it going to cost? I can assure this honourable Chamber it is going to cost a very small amount. I have done some comparisons, Madam President, and I will throw out some figures, and I am going somewhere. If I were to tell you there is a sum of \$900,000 a month, what could we buy with that? I will tell you if the PTSC wishes to get an articulated bus, we will be able to buy one of those buses with \$900,000. But, from a pure economics angle I could also tell you that if we were to offer to our retired judges a pension of \$30,000 a month, at 30 retired judges, we would also be able to pay judges in this country a decent pension of \$30,000 a month.

So, one articulated bus or pensions to 30 judges? That matter is outstanding. It is a pensions matter. There is another issue, pensions again. If I were to tell you, what could you do with \$66,000 a month?—you cannot get a foreign-used Tiida Sen. Sturge, you will get a used foreign-used. [*Laughter*] A Tiida which is from—you see, in economics it is called real analysis. What are the options before us?—\$66,000 will not get a foreign used Tiida, you have to put out \$100,000 for that. But a used foreign-used you may be able to get for \$66,000. What could we get for \$66,000? Well, if there is any organization in Trinidad and Tobago in which 22 persons are given a pension of \$3,000 a month, somewhere in 2022 those 22 persons—I am not talking about this Senate—at \$3,000 a month, if they participate in a plan, will cost the State \$66,000 a month. Sixty-six thousand dollars or \$900,000 a month for judges.

So, the issue is not cost, the issue is not cost, the issue is priority. And, let us

look at the priority with respect to the fire services officers. The fire service officers are individuals who to my mind should come under the full protection of the law, and I am looking at officers who have retired since 1988, not 2008. There could not be many of them who were acting, and therefore the cost to the State is going to be negligible. And recently we had a public hearing on ageing in this country, and it indicated that there are some 15 per cent of the population now over 60 years in Trinidad and Tobago. And every year that number is growing by 1 per cent.

But more than that, Madam President, more than that, what we are seeing is that the 80-plus population in Trinidad and Tobago is also growing, and I am sure there are many fire officers who retired prior to 2008 who would have acted, they may have retired in 1988. I am sure there are many fire officers out there who are perhaps are in their 80s and who could benefit. Because, as you cross 80, it was revealed to us, that there is a greater need for resources to help.

So, Madam President, I would commend the hon. Minister for looking at this. I hope that this particular group of officers is the only group in the country that is not now the beneficiary of the provision. But I also recommend looking at 16A of the Pensions Act, and if in fact 16A is the—since it is the law of the land, my amendment, my suggested amendment to the Government, this is a money Bill, all I can do is suggest an amendment. One cannot challenge the need to regularize pensions. One cannot do that. One is looking forward—we have too many hodgepodge pieces of legislation in Trinidad and Tobago, and we need to make sure that the system becomes fairer and fairer as our society ages. It is.

And therefore, I would like the Government to look at the Pensions Act, look at what is before us, and to determine whether now, legally, does it not make sense to ensure that all retired fire officers, not only those who retired since 2008,

and who acted in their positions, but all officers who are still alive, they may have worked during the coup, during that difficult time, and they are still alive, they may be in their 80s, some may even be in their 90s. Could we look and see what provisions will be made and whether in fact the Pensions Act will not be the law that will rule, and that we will ensure that all fire officers, as in fact, Madam President, I would hope that all officers of the State, all public officers, not only in the fire service, but all public officers who were under the State's employ, and who come under the protection of the laws of Trinidad and Tobago, and who acted for three years continuously—I understand we cannot make any major provisions for those who acted and had in short periods may have acted for 10 years, but truncated positions—but for those who acted continuously let us look and see whether in fact they are not entitled to having the same benefit as those who have retired since 2008.

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

Sen. Allyson Baksh: Madam President, I thank you for the opportunity to join in this debate on a Bill entitled the Fire Service (Amdt.)—an Act to amend the Fire Service Act, Chap 35:50—in this honourable House.

Madam President, this Bill, which may also be cited as the Fire Service (Amdt.) Bill, 2017 seeks to amend the Fifth Schedule to the Fire Service Act, Chap 35:50 by providing that:

“A fire officer who—

has acted in a higher office for a continuous period of at least three years immediately prior to the date—

of his compulsory retirement; or

on which he proceeds on annual leave before the date of his compulsory retirement,

shall be eligible to have his pension, gratuity or other allowances calculated as if he were substantively appointed to that higher office;”

Madam President, the Bill provides that a fire officer who:

“satisfies the requirements...shall be required to pay in addition the contribution payable in his substantive office, arrears of contribution calculated on the basis of the pay he would have received in the higher office had he been substantively appointed.”

For example, if an officer’s substantive rank is that of an Assistant Chief Fire Officer, but he has been acting continuously in the position of the rank of Deputy Chief Fire Officer at least three years prior to his retirement, his compulsory retirement, that officer could be afforded the opportunity to receive pension benefits in the position which he held as Deputy Chief Fire Officer upon satisfying the requirements.

The Bill further provides that arrears of contribution which are payable shall be:

“determined on the basis of the pay the fire officer would have received in that higher office for each year in respect of what he acted continuously; and 1deducted as”—one—“a lump sum from the gratuity payable to the fire officer where practicable or”—two—“from the fire officer’s pension in equal monthly payment installments over a period to be determined by the Comptroller of Accounts.”

The Bill seeks to make these provisions applicable:

“...to fire officers in the First Division and the Second Division who”—reached their compulsory retirement age—“or who had compulsorily retired from the Fire Service on, or after 1st January, 2008.”

Madam President, in actual fact, the Bill seeks to give effect to a

memorandum of agreement between the Chief Personnel Officer and the Fire Service Association of Trinidad and Tobago Second Division, dated March 06, 2012 for the period that covers January 01, 2008 to December 31, 2010. This agreement was ratified by Cabinet by Minute No. 643 on March 22, 2012, under the previous administration. On that day in March 2012, Cabinet agreed that the Attorney General should amend the First Schedule to the Fire Service Act to give effect to the terms of the agreement between the CPO and the Fire Service Association relating to pension arrangements. The agreement between the CPO and the Fire Service Association also addressed other areas such as salary, allowances, overtime, pension, et cetera.

This Bill follows other similar legislation that has been enacted since 2008 to give effect to the agreements between the CPO and the PSA, the CPO and TTUTA, and so on, to allow public officers to have a superannuation of benefits of the higher position upon retirement. Similar legislation and the effective dates of its implementation are as follows—can I read?

[Madam President nods]

Okay. In January 2004, the Pension Act was amended to give similar effect to similar terms; on January 01, 2005 Regulation 183A of the Police Service Regulations was amended; on January 01, 2005 the Assisted Secondary School Teachers' Pensions Act was amended to give effect to similar provisions; the Teachers' Pensions Act, Chap 39:02 was amended to give effect to similar provisions; on January 01, 2007 the Prison Service Act was amended to give effect to similar provisions; and finally in January 2004, the Municipal Corporations (Pensions) Act was amended to give similar effect to similar provisions. Madam President, in effect what we are doing here is rectifying an anomaly by allowing a fire officer who has acted in a higher position for a continuous period of at least

three years prior to retirement to receive the benefits of the higher office.

Madam President, permit me some time on the importance of this piece of legislation. As I previously indicated, a wide range of public officers of Trinidad and Tobago would have already received the kind of benefit which this Bill seeks to bestow to fire officers. We must remember that the pension benefits of retired officers really represent their sole income in their retirement life. It is therefore critically important, and in keeping with the dignity of the men and women of Trinidad and Tobago Fire Service, that we put this untenable matter to rest.

Madam President, the matter threatens the very livelihood of these service men and women as it potentially erodes their financial stability and security, if not implications, for their continued existence. Furthermore, it is the right thing to do. The pension benefits of fire officers, who would have worked hard for over the three years prior to the retirement, should really reflect their acting salaries. Equity also demands that this should be so since their peers in other services are afforded similar treatment. I am advised that the hon. Minister of Finance moved expeditiously to address this matter when he was made aware of the same, and for this we must commend him.

Madam President, for me on a personal level, I feel a sense of closeness to the subject matter, given that my husband himself, a member of the protective services, really provides an opportunity for reflection, context and understanding. A lot of times when we as citizens express frustration in the lack of delivery by various arms of the protective services, we do so with a broad brush castigating all police, fire, regiment and coast guard as the same. The truth is that this is simply not true. The greater majority of men and women in uniform are our champions, and most importantly our loved ones, committed to the greater good. These brave men and women put their lives on the line on a daily basis to protect us. I know

this for a fact, because my husband is one of the most hard-working, dedicated, committed servicemen of this country with the highest level of integrity and love for humanity. [*Desk thumping*]

Before I conclude, Madam President, I would really like to put things into perspective. The Ministry of Public Administration and Communications has embarked on a new system with the intention to ensure timely delivery of pensions to public officers, based on the recommendations from the PMCD, Public Management Consulting Division. The Ministry of Public Administration and Communications will use predominantly contract officers in staffing and pensions departments, giving them between one- to three-year contracts to ensure that we have a cadre of dedicated officers who will not be transferred or promoted leaving a backlog of pensions. In addition, training will be offered both in-house and by the Treasury Division in the preparation and maintenance of pension and leave records. This training will be aimed at reducing the frequency of errors being made, which in many cases delay pension payments.

Madam President, effective pension provision is important to this Government. As a consequence, we have introduced programmes across various Ministries to train the trainers regarding the conduct of proper pension leave and records management which is a crucial part of effective pension administration. Madam President, I am also advised that in furtherance of this objective of effective pension administration in various Ministries, this Government has implemented the drafting of desktop manuals setting out procedures regarding pension and leave records management.

4.30 p.m.

This would ensure that there will be proper documented standard operating procedures which can be utilized by any new staff member on the pension and

leave schedule of any Ministry. The Ministry also plans to develop the IHRIS—the Integrated Human Resource Information System—that is geared towards making pension and leave records easily accessible to the Comptroller of Accounts. This Bill, in essence, will allow the fire service to be in line with prisons, teachers, police and all other officers in the wider public service.

Finally, Madam President, I must say that I am delighted to be part of this caring and conscientious PNM Government [*Desk thumping*] that seeks the interest of our men and women in uniform wherever they serve.

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

Madam President: Senator Samuel. [*Desk thumping*]

Sen. Rodger Samuel: Madam President, I always cherish the opportunity to speak in this House. I truly thank Almighty God for the privilege given to me to do so, and to speak once again on this Bill, an Act to amend the Fire Service Act, Chap. 35:50. There has been much said, and boastings about who has brought Bills and how effective it has been, and what must prevail and what must die. But I think that we are here today wasting our time—[*Desk thumping*]—

Hon. Member: “Why yuh say dat?”

Sen. R. Samuel:—wasting our time because the Government has brought a Bill to amend the Fire Service Act that talks about the fire officer who has acted in a higher office for a continuous period of at least three years immediately prior to the date. And if we were thinking about amending and adjusting and doing things, I would have thought that we would have examined the Pensions Act, and in examining the Pensions Act, that we would have done any kind of amendment to deal with this particular situation. Because there is no clarity in this Bill to talk about what it means clearly, as immediately prior to the date. That can be interpreted.

Madam President, if, for some reason a person acts for six years in a position and just prior to going on pre-retirement leave, he resorts to his substantive position because that position is filled, what happens to him? He has lost everything because there is nothing in the Act that deals with such a situation if that person, just a month before going on pre-retirement leave, resumes his substantive position after acting for six years. There is nothing for him. And I would have thought that we would have brought a Bill to deal with such situation and it would have amended the Pensions Act, and not bring a Bill just to amend the Fire Service Act.

But, Madam President, I found it strange that in the Pensions Act—a public officer is clearly defined, which includes fire officers. [*Desk thumping*]

Hon. Senator: Read it, read it.

Sen. R. Samuel: And I want to, if you will permit me to read it, that a public officer—and I want to read it clearly.

Hon. Senator: Interpretation section.

Sen. R. Samuel: The Interpretation section is very clear, that an:

“‘officer’ or ‘public officer’ means a person substantively appointed to an office in the public service;”

It is very clear. So, really, it covers every individual. In the same Pensions Act, we have a similar situation clearly defined. It is clearly defined for all of us because it covers all and sundry and it talks about police officers with regard to retirement, as well as fire officers in regard to retirement. And all of that is in the Pensions Act. So, really, when we think about what is taking place here, we have been called to a sitting to debate nothing because it is already in existence.

The circumstances contemplated by this section, this is the Pensions Act at that, the officer has retired from the police service as a police officer, or a fire

officer on attaining the age of 55. This is all included. And when it comes to section 16A of the Pensions Act, it says:

“Where an officer who immediately”—this seems to be the same thing —“prior to—

(a) the date of his compulsory retirement; or

(b) the date on which he proceeds on annual leave prior to the date of compulsory retirement,

has acted in a higher office for a period of three continuous years, that officer shall be eligible to have his pension, gratuity or other allowance calculated as if he were confirmed in that higher office and for the purpose of computing such pension, gratuity or other...”

Hon. Senator: Which Act is that?

Sen. R. Samuel: This is the Pensions Act—as a matter of fact, Madam President, the:

“Computation of the pension...following acting, prior to compulsory retirement. [20 of 2008].”

So we have been called here, and there was a lot of boasting about who bring it and all kinds of stuff, and really this is a non-issue. We have wasted the time of the Senate to debate something that we thought was new, that was so appealing and defending and proud, and if we had only read the Pensions Act, we would not be debating this. [*Desk thumping*]

And with all of the stuff that we go through today—and I know that my colleague would have wanted to talk about his experience in fighting for the fire officers and auxiliary fire officers, and he is right to talk about, in defence of the fire officers—but, Madam President, as we sit here today—and as we sit in this House today—really, there is nothing to debate again. There is absolutely nothing

to debate again. As a matter of fact, the Government should take this Bill and withdraw it. They should withdraw this Bill because they did not study the Pensions Act. To continue this debate does not make sense. Why? Because what is written here—and we have to be careful that the benefits that are attached to the Pensions Act afforded to the retired officers in this particular thing, can be overridden by this Act.

So we have got to be clear that what we are presenting now and want to approve, does not cause a problem to those people who are covered by the Pensions Act, implied—and it is called—my learned colleagues talk because I am no lawyer. It talks about implied repeal, [*Desk thumping*] and I have good lawyers here. [*Desk thumping*] So I am very concerned that in not carefully examining this that this could affect the benefits that are included in the Pensions Act to officers.

So Madam President—

Hon. Senator: “Dey giving yuh basket.”

Sen. R. Samuel: That is not basket, Sir. Be careful. This basket “doh leak, yuh know.” This basket does not leak.

Madam President, Sen. Wade Mark has alluded to the issue that should be dealt with in many instances. I have found out, through research, that there are some 300 vacant positions in the fire service that have not been absolutely fulfilled and satisfied. But that is a managerial problem; that is a public service situation; that is a public administration problem. But we are here today to clearly deal with this particular Bill, and the criteria laid out here because the Act covers both aspects of persons. It covers the person who acts and it covers the person who is promoted. In section 16B it talks about:

“Where an officer who is promoted to a higher office having acted in that higher office retires compulsorily, and the period of acting together with

his service in the office to which he has been promoted amounts to the period of not less than—

(a) three continuous years...”

—and it goes on. So it covers both the person who has just acted and the person who had acted and was promoted.

So, Madam President, I am not too sure where we are going from here, unfortunately, but we need to go back to the Pensions Act and clarify if this Bill does not affect the benefits laid out in the Pensions Act, and if it will not alter situations for those that have retired. Madam President, I would love the Minister of Labour and Small Enterprise Development to clear that up for me to ensure that it does not affect those who have been covered by the Pensions Act and if this really is a necessary Act.

I thank you. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Agriculture, Land and Fisheries (Sen. Avinash Singh): [*Desk thumping*] Thank you, Madam President, for this opportunity to contribute in this very short debate, a money Bill entitled an Act to amend the Fire Service Act, Chap. 35:50, consisting of two clauses, one dealing with the Short Title and, two, the clause that seeks to amend the Fifth Schedule, Chap. 35:50.

Madam President, before I continue, I just want to take this opportunity to respond to some of the comments made by my colleague from the other side. And I have sat down here and listened attentively to the short contributions from all Members so far, and I was almost in shock to hear the contribution from Sen. Mark earlier today, and I will explain why. In his contribution he indicated that he felt firefighters and officers were treated third-class, bastardized, illegitimates, and so on. I want to find out whether this feeling is short-term or, in fact, how he felt

during the period 2010 to 2015. Maybe, perhaps, all these feelings were invisible, or maybe the Chair clouded his memory. Because, Madam President, the population of this country has not forgotten what has happened in this country during the tenure of the last administration, and while I do not want to go and delve into any of the details per se, but we are speaking about compensation, pension, remuneration and arrangements for firefighters and fire officers, and Sen. Mark, in looking at the Fire Service Headquarters in Port of Spain, reiterated the fact that he noticed there was a lack of equipment; the building was dilapidated; it was a shameful manifestation of what a fire station should be.

Madam President, I am no expert in construction. I am an expert in sweet potatoes. [*Desk thumping and laughter*]

Hon. Senator: “Take dat.”

Sen. A. Singh: But I want to say, a building cannot get in that stage overnight.

Hon. Senator: That is right.

Sen. A. Singh: It cannot be dilapidated to your eyes, Sen. Mark, overnight. It cannot be a shameful manifestation of what a fire station should look like because, in my estimation, a measly fee in their eyes, of \$6.8 million to rescue a battered fire truck could have assisted. [*Desk thumping*] The population will never forget that. Madam President, he spoke about the facilities, the fire station, and what it should look like, and after spending over \$80 million on a fire station in Mayaro, with absolutely nothing in it, that is what a fire station should look like?

Hon. Senator: That is the one with the sign “fall off”?

Sen. A. Singh: Madam President—

Hon. Senator: And “dey” want to talk about \$92,000?

Sen. A. Singh:—I remember looking on, and on August the 29th, 2015, one

week before the general election, big opening, Rio Claro, the Mayaro Fire Station was opened.

Sen. W. Sturge: Point of order, 46(1)

Madam President: Sen. Sturge, you are addressing me?

Hon. Senator: He was just mumbling.

Sen. W. Sturge: Yes. Point of order, 46(1).

Madam President: No. Sen. Singh, continue, please. [*Desk thumping*]

Sen. A. Singh: Thank you, Madam President. Madam President, Sen. Mark spoke to not only offering pension and remuneration and resources to effectively deal with the responsibility by fire officers and firemen, he spoke to making the buildings and all these things modern. And I am saying a week before election, you opened a building with absolutely nothing in it to deal with a fire—one week before an election, after over \$80 million, and that is what the population will never forget.

So, Madam President, why we are here? The role of a fire service in our situation is laid out in the laws of our country, Chap. 35:50, section 3A, and it speaks to:

“The purposes of the Trinidad and Tobago Fire Service are—

- (a) to save and protect life or property from damage or destruction by fire or other hazards, whether fire related or not;
- (b) to provide and advise upon, preventative measures against the occurrence of such damage or destruction;
- (c) to render related humanitarian services where required; and
- (d) to conduct investigations in order to ascertain the cause or origins of a fire, or other hazard requiring the services of the Fire Service.”

Madam President, our firemen and our fire officers are very important

stakeholders in our country and I say this on the backdrop of an example recent in my mind, and I will share that example shortly. But up to this morning on my way to Port of Spain, I saw two fire tenders on the highway putting out a blaze on the highway that was severely obstructing the view of the travelling population. And in our country we have two seasons, the dry and the wet. For those who do not know, the dry season is January to May; wet, June to December, and during that time, January to May, the fire service is called upon to execute their duties almost every day to treat with fires.

These fire officers, firemen, firewomen, put their lives out every day during the crop seasons and sometimes in the rainy season. And we are here today to offer, and to compensate some of these officers. And the hon. Minister of Labour and Small Enterprise Development, in laying this piece of legislation, gave us some information and some insights, and I know she will provide some more detail as to how many persons probably would stand to benefit, and so on. But as I said, the fact of the matter is that our stakeholders are very important and in dealing with fires—forest fires—I am sure over billions of dollars in assets, and financial assets, goods, and so on, are saved each year from the hard work of our fire officers and fire officials.

In the Ministry of Agriculture, Land and Fisheries, we also have departments that deal with fire, or assist the fire officers in dealing with fire. And I stand here in remembrance of one soul, heroic and brave, that assisted the fire officials in dealing with a forest fire in the Chancellor Hill, Madam President, the late Keith Campbell, who risked his life. And, Madam President, on that morning of that fire, would you imagine that this gentleman got a call on that morning only to tell him that his mother passed away, and did not even leave his job to go to tend to funeral arrangements, and so on—went out there into the fire and was treating with this

fire, assisting the fire officials. Mind you, he was a senior forester attached to the Forestry Division of the Ministry of Agriculture, Land and Fisheries. And, Madam President, at age 56 we lost a brave soldier to fire.

So it is no ordinary job in dealing with fires. And if as a payback we treat with the remuneration, the pension arrangements for persons who would have served in different capacities, three years and over, it is not too much to ask for. But more than that. I listened to Sen. Samuel's contribution and I am shocked again, because he said we are wasting our time with this Bill; we have been called to a sitting to debate nothing. Then why are you here?

Hon. Senator: That is right.

Hon. Senator: Why did he speak?

Sen. A. Singh: He said to withdraw the Bill, Madam President. Why did you even bother to stand to waste our time? [*Desk thumping*] Madam President, Sen. Samuel should have withdrawn himself from Cabinet meeting on the 22nd of March, 2012, or maybe he was not in Cabinet at that point in time—

Sen. Samuel: I was not in Cabinet then. So “yuh doh know what yuh talking about.”

Sen. A. Singh:—when the UNC Cabinet approved Minute No. 643 confirming the agreement between the UNC government and the Trinidad and Tobago Fire Service Association. To come here and totally remove yourself from this Bill is contrary to the truth. [*Desk thumping*]

Madam President, this Bill before us seeks to give effect to a collective agreement negotiated by the UNC, signed by them on the 6th of March, 2012. It is to give effect—a collective agreement between the Government and the fire service. It was conceptualized by the UNC. We are here because we care about these fire officials and fire officers. Because when oil was over \$100 a barrel in

2012, 2013, 2014, the UNC did absolutely nothing [*Desk thumping*] for these firemen and these fire officials—absolutely nothing.

But we are here in the current economic circumstances—

Sen. Baptiste-Primus: Remind them.

Sen. A. Singh: Madam President, we are here to serve the people of this nation with excellence. And, Madam President, you see, people tend to forget, but we “doh” forget. Today, as I said, I am happy to be a part of this Bill where a lot of hard-working officers stand to benefit and the clauses as set out—subclause (7A) is for persons who have acted in a higher office, as I said earlier, and then subclause (7B) to satisfy the requirement, they are made to pay the arrears or the addition. And I think it is only fair if an officer is going to benefit from a new addition, then they are asked to pay whatever relevant differences in arrears.

So, Madam President, I had to clear the record. Of course, I had to clear Sen. Samuel’s and Sen. Mark’s commentary earlier, and to place on the record that the people of this country will never forget what you did with respect to the fire stations, the fire issues and even the fire officers who would have stood to benefit from their pension and remuneration packages had your Attorney General gone to Parliament to pass this same Bill.

So, Madam President, I am happy to support this Bill here today and to say to the people of this country that the PNM, we are here and we are doing everything in our power to make sure that everybody, every citizen, benefit from our actions.

I thank you. [*Desk thumping*]

Madam President: Sen. Ameen. [*Desk thumping*]

Sen. Khadijah Ameen: Thank you very much, Madam President. I want to thank you for this opportunity to contribute to this debate on the Fire Service

(Amdt.) Bill, 2017.

Madam President, as an individual, my contribution here has a personal element because a number of my very close relatives are members of the protective services, and the fire service in particular, and I personally know what members of the families to our officers who serve in the Trinidad and Tobago Fire Service—the emotional aspect of having a relative risk their lives to save the lives of other citizens. And so it is with a personal appreciation that I hope to be able to share today a bit on the role of the fire service, on some of the rights that being a fire officer—as a fire officer you lose the right to do certain things. I also want to talk about the role of ethics and morality and public trust in the fire service before I go into matters concerning the terms and conditions of these brave men and women in the Trinidad and Tobago Fire Service who protect our lives every day.

Madam President, the role of the fire service has really expanded over the years. In addition to fires, our firefighters also mobilize to manage disasters that threaten lives and properties. I have had the pleasure of working with our fire officers as the chairman of Tunapuna/Piarco Regional Corporation in a time of disaster. They are trained to do rescue operations involving road accidents. Very often they are first on the scene cutting damaged cars to take out persons to save their lives. They are involved when there is flood and swift water evacuation, hazardous materials and chemicals, urban search and rescue, and rescues during and after natural disasters. All of this, of course, is in addition to their key component role in community education and awareness on fire safety. And which kindergartener does not look forward to visiting the nearby fire station?

And, of course, in recent years the role of firefighters internationally has been enhanced to include emergency paramedical services, something that I think will be more and more incorporated into our own fire service, although they do

provide an element of that.

Madam President, I want to share on a paper written by Ernest R. Archer, and it is called: Things You Lose The Right To Do As A Fire Officer.

5.00 p.m.

Madam President, our men and women who serve in the Trinidad and Tobago Fire Service are human beings first, and as humans we are prone to our own idiosyncrasies, our own emotional ways of treating with things, but let us remember that the men and women who are in the fire service they lose their right to lose their temper. While we in other professions may have a propensity to become easily angry or irritable, fire fighters who are functioning at emergency scenes and who often deal with very emotional relatives, let us say, of injured persons, or missing persons for example, these persons should not have to deal with the additional anxiety of a quick-tempered fire officer. You lose the right to be one of the gang.

Being an effective fire officer is not about making friends, or directing your friends who are part of your team—your rescue team—to do things because of your friendship with them. When they are your subordinates, they are directed to complete tasks and complete assignments—of course, in a friendly environment—and I often hear members of the fire service saying that they are not friends, they are family. Striving to be one of the gang instead of serving in a leadership role may create an intimidating workplace for some officers and result in career-endangering incidents.

Madam President, fire officers must never engage or tolerate unlawful or unethical conduct from any of their subordinates on watch, and I want to take this opportunity to implore, particularly those in supervisory positions in our fire service at this time, to ensure that under their watch they do not allow unlawful and

unethical conduct in the service. One of the things as a fire officer you also lose the right to do is share your personal problems with your co-workers, because when you do that, in an environment where you are expected to lead and give instructions, eventually firefighters who are junior to you will question your own professional fitness to command if you are an officer who cannot manage your personal life.

Very often, co-workers may share their own personal issues involving finances, or relationships, or children, or just how the traffic was this morning, but that is a right that fire officers lose. They lose the right to express professional frustrations and personal opinions with their subordinates, and while, of course, in every service I could imagine, people gripe about salaries, about benefits, about politicians, about their station, about their work assignments. Overall, they cannot make a habit of taking any controversial positions especially on social issues and political issues because it diminishes their own influence and the respect that the public would have for them.

Firefighters, Madam President, also lose the right to advocate the status quo. When firefighters consider the tremendous changes that have occurred and are now occurring, officers must develop a preference for always questioning the status quo and to be advocates for better, faster, safer, simpler approaches for delivering quality emergency services. Officers must resist the urge to be comfortable or complacent with their regular habits, and very often people are under the perception that fire officers, you know, they spend their day in their station because there are hardly any fires; they spend their day just checking equipment, they might eat breakfast, make a cook in the station, relax, eat lunch, come back and make another cook and they might have one or two interruptions with the alarm, but the fact is that that is not the life of a fire officer.

Senior fire officers also lose the right to delegate unpopular tasks to their subordinates because as they go up in rank, of course, they would have to delegate more tasks, but the fact is that when you operate as a team, you often share by round-robin those tasks, those dislikeable tasks, and that often earns the fire officers respect as they grow in stature. Fire officers who are senior in the service also lose the right to ask others to do what they would not do, and it comes again similarly from working as a team. Madam President, I just want to share that so that we will not take for granted that the Trinidad and Tobago Fire Service is one where our men and women spend their days idly. But, of course, with this also comes the responsibility to maintain public trust.

Our citizens who are served often hold members of the fire service in high esteem. In fact, for many decades, in Trinidad and Tobago, it is a very respectable thing to have a son or daughter in the family who is a part of the Trinidad and Tobago Fire Service, and that remains a very admirable and respected position. And for this purpose, the officers, of course, have an additional responsibility to maintain public trust in them by maintaining their professional ethics and moralities and their own values.

Madam President, I just want to quote Mark Twain who said:

“It is curious that physical courage should be so common in the world and moral courage so rare.”

Our fire service demonstrates physical courage on a daily basis. However, it is important for them to also cultivate the moral courage that is necessary to lead and to protect our citizens, and to ensure that all of their members are acting within the service's best moral and ethical interests. Madam President, I use that as my opening because I want to underscore how important it is for us to treat with the terms and the conditions under which our officers operate.

Madam President, while we are here to discuss the amendment proposed in the Fifth Schedule of the Fire Service Act, Chap. 35:50, which provides for the payment of the pensions and gratuities to the fire officers of the First and Second Division, we are currently at a time where very recently on the 31st of January, this year, the Minister of Finance—in giving a feature address at the formal opening of the new corporate headquarters of the National Insurance Board—in his speech made a revelation that is of concern to all in Trinidad and Tobago who will at some point receive a pension, and I quote:

“Financial projections in 2013 revealed”—national insurance—“funds would be completely depleted by 2030 if contributions”—are—“not increased. As such, in order to protect and preserve the National Insurance system, the actuaries recommended that the Government examine the possibility of an increase in the retirement age from age60 to...65 over the period 2025 to 2060.”

Our generation would have less challenges when it comes to health. We have more awareness of health and taking care of ourselves. We are living longer, and so the issue of pensions in general is very critical. I know that the Minister indicated that no decision has been taken with regard to changing the pension age based on the national insurance situation to pay, or to not pay beneficiaries, but it certainly is something that we must ponder. So, when we have a situation where at present, very often our retiring officers wait for years—my colleague, Sen. Mark, indicated that sometimes for two years officers wait for pension, and this is not only in the fire service, it happens in the public service as well.

I recall that a couple months ago the Prime Minister, hon. Dr. Keith Rowley, was making a pronouncement, a public statement, about moneys that he felt the Parliament owed him, and he said to the nation:

“I don’t like my money to sleep out.”

I am asking: if as the leader of this nation, if as the Prime Minister of Trinidad and Tobago, you do not like your money to sleep out, what steps are you taking to fix it for the thousands of the public servants, for the thousands of people in the protective services and other parts of public service who wait for more than two years to get their pensions and gratuity? [*Desk thumping*] Our Prime Minister ought to lead by example when it comes to matters like these, but, then again, we have a very long list of disappointments when it comes to hon. Keith Rowley.

Madam President, I want to go into the need for us to treat with the situation mentioned by another speaker before me with regard to auxiliary fire officers, and while the other speaker would have gone in depth into the recruitment process and what happens to these auxiliary officer, I fully agree because they undergo similar training, they put their lives at risk and very often they are bypassed when it comes to the benefits of the job that they do. Some of them spend years trying to get into the mainstream service without success.

And it is very similar to the situation with SRPs—special reserve police officers. We have a situation now where many of them are working full time in different parts of the police service, in stations, in the court, and several places, putting their lives at risk, but they cannot get the same benefits, the same terms and conditions as those in the mainstream service, and this applies both for the SRPs and the auxiliary fire officers. And so, I want to take this opportunity to call on the Minister of National Security to ensure that the terms and conditions for the auxiliary fire officers and the special reserve officers are regulated by meeting with them and the respective union and representative bodies.

Madam President, when the People’s Partnership was in Government a policy decision was taken to have \$1 million compensation for police officers who

lost their lives in the line of duty. While we have seen a lack of political will from the present Government to implement this, you even had the Leader of Opposition drafting the Cabinet Note and sending it to the Government, and without success. There is need for us to move from that policy decision that was taken by the People's Partnership for the continuity of having that legislation come to Parliament and approved, and then, of course, implementing it and extending that to fire officers who lose their life in the line to duty. So today, I want to call on the Government: one, to implement or to take the necessary steps to make good on the promise to have the \$1 million compensation for police officers who lose their lives in the line of duty; and, two, examine having a similar compensation available for the families of our fire officers who lose their lives in the line of duty.

[Desk thumping]

Madam President, the terms and conditions of our fire officers, it is important for me to stress that. While speakers on three benches would have mentioned the terms, the conditions, the facilities and so on, we must remember that while fire officers do have a representative union, they do not have the right to protest action as some other services, the public service and so on so. So it is important for those in authority, regardless of which political party they belong to, to ensure that their terms and conditions are satisfactory—and when it comes to their facilities, there are a number of fire stations that were renovated by the People's Partnership Government.

In fact, the speaker before me, mentioned the Mayaro Fire Station, a brand-new fire station, that was completed—*[Interruption]*

Sen. Gopee-Scoon: Warehouse.

Sen. K. Ameen:—during the term of the People's Partnership Government. You also had the fire station in Arima and so on, getting a bigger facility and,

Madam President, the thing is that in everything there is a process. So I am happy that unlike what is happening with the Couva Children's Hospital, that the Mayaro Fire Station was opened and is operational, thanks to the People's Partnership Government. [*Desk thumping*] So while the person who has not accepted the defeat at the polls in Mayaro continues to boast about Mayaro Police Station, it was built by People's Partnership Government. [*Desk thumping*] We must also look at the resources and the training.

I want to bring a matter to the attention of the Parliament and I trust that the Minister of National Security could look into that matter—the facilities in which fire officers have their training. For many years they would have moved them from one building to another. A number of very old buildings were used and I remember there was a year when several recruits, about 30 recruits, had to be taken to the Port of Spain General Hospital in a fire service bus—because the ambulance simply could not transport them one at a time—because they were in a building that was affected by what you call old-building syndrome, where mould and so on was in the building and it was affecting them. They also had no water.

There was one very rusty water tank and because of the lack of water and being in that building, many of them developed lung infections, and it really took a toll on them and their training, but, of course, their rigorous training had to be completed. The senior officers would have dealt with the families of these new recruits to ensure that they got the right medical care but, the fact is that this stemmed from insufficient facilities. A number of improvements were made during the People's Partnership term in office. I know that they would have changed facility, but I am saying there is a need to continue strengthening the training facilities and the training resources of our Trinidad and Tobago Fire Service.

Madam President, those are considerations to be taken when you speak

about decent work and decent work conditions. The Minister mentioned Trinidad and Tobago's commitment to the Decent Work Agenda. Our nation is a member of the International Labour Organization and the ILO strongly holds to its Decent Work Agenda. The United Nations Economic and Social Council has given a general comment that defines decent work, and decent work calls for the integration of economic and social objectives, and for well-orchestrated combination of measures in the areas of employment, promotion, rights at work, social protection and social dialogue. This approach is proving its relevance to a wide-ranging policy agenda and social dimensions of globalization to poverty reduction strategies.

In different countries, there are different points on which their nations reflect on their priorities with regard to decent work. For some of them, it deals more with poverty alleviation, some more with the terms and conditions and child labour and so on. But we must remember that the ILO Decent Work Agenda really is a balanced and integrated programmatic approach to pursue the objectives of full and productive employment and decent work for all at global, regional, national, and sectoral as well as local levels.

When we examine the terms and conditions, particularly of those who serve in areas where they cannot protest, we must ensure that they are provided with what is necessary. So while our Minister gives her commitment, I want to ask her to make good on her word by ensuring that those officers are treated as fairly as they should as workers.

Madam President, the Minister in her opening also indicated that the Government is committed to treating workers fairly. I found that interesting. I recall that in the term of office 2010—2015, there were over 17 wage negotiations that were settled by the People's Partnership Government. I understand also that

the last negotiation for the Trinidad and Tobago Fire Service would have been in 2015, and that was for the period 2011—2013. There was a three-year agreement that ended in 2016, so the period 2016/2017 and so on has to be negotiated. I want to call on the Government to begin the negotiation with the relevant authorities for the terms and conditions and the wages of the members of the Trinidad and Tobago Fire Service urgently. [*Desk thumping*] The Government does not have to wait until the end of the period to begin the negotiations.

Madam President, also on that note, the Minister had indicated that the Government is moving towards ending contract labour, which is a good thing; however, I have seen a number of ads, a number of new employment being advertised for contract workers in state agencies and in Government Ministries. So although the Minister has indicated that by giving her word here, the fact is that the Government continues to advertise and to hire contract workers. I know that we have a situation where I understand there are more than 10,000 vacancies, there is a need to train and retrain people in our civil services as well as our protective service, and in particular in the fire service. Perhaps the Minister may address that issue in her wrapping-up—[*Interruption*]

Sen. Baptiste-Primus: Address what?

Sen. K. Ameen: The fact that Government Ministries and agencies are still advertising for contract positions. I know the Minister has given her commitment that the Government is moving in the direction of ending contract labour. I know it is a process and it will take some phasing out, but perhaps if you could give us an idea of how long that process will take.

Madam President, in today's debate I also wanted to put on record, on behalf of the United National Congress, the appreciation that we have for the work of the dedicated officers of the Trinidad and Tobago Fire Service. [*Desk thumping*] I

want to note as well that as officers continue to retire, the value of their pension and gratuity based on the approval of the amendment we have before us today, it really is fast disappearing in the current economic environment. The purchasing power of our retirees' pension is fast depreciating.

Madam President, there was a study in 2014 that indicated 40 per cent of those at retirement age did not receive a pension which was adequate and we must be mindful as we continue. And when I say "we", we in this Parliament, but the Government must be mindful that with an increasing ageing population and so many of our citizens dependent on their pensions, the economic policies of the Government really are not in the interest of our citizens and their actions continue to depreciate the value of the pensions of those who have worked hard and served this country because of the constant increase in food prices and essential items.

Madam President, I also see this Bill as bringing a sense of comfort to our fire officers. I must mention that there are a number of acting appointments within the fire service that should be dealt with to ensure that further comfort to our fire officers, and that they are in fact dealt with in a fair manner when it comes to their pension. I am not sure if another Member in their debate mentioned the Public Service Regulations, section 43:01, Part V, when it comes to payment of pension, and it says that:

"(2) The Chief Fire Officer"—via—"the Permanent Secretary shall ensure that the particulars of service and pay of each officer whose retirement is known to be imminent are furnished accurately to the Comptroller of Accounts not less than six calendar months before the date"—each—"concerned is...to retire"—[*Interruption*]

Sen. Baptiste-Primus: I have noted again; I have noted it. [*Interruption*]

Sen. K. Ameen: Okay. And I want to endorse the point that was made

earlier that it is very important for the process that is required, of course, for accountability purposes to be followed, but for it to be done in a speedy manner to ensure that you do not have the members of the Trinidad and Tobago Fire Service who have pensions and gratuities outstanding, that their moneys would not be sleeping out.

Madam President, I want to thank you for this opportunity, particularly because, as I said earlier, I have a great appreciation, personal appreciation for the men and women who serve in the Trinidad and Tobago Fire Service and who put their lives on the line every day.

I thank you. [*Desk thumping*]

Madam President: Hon. Senators, I think I can sense that everyone is ready for us to suspend. [*Laughter*] So we will do that at this stage. So we suspend and we will return at 6.00 p.m.

5.27 p.m.: *Sitting suspended.*

6.00 p.m.: *Sitting resumed.*

Sen. Christlyn Moore: Thank you very much, Madam President. Once again, it is an honour to address this House on the Bill entitled an Act to amend the Fire Service Act, Chap. 35:50, and once again, I am grateful for having the opportunity to point out that while the good intentions of this Bill are apparent, the devil is always in the detail, the devil is always in the detail. And in the case of Tobago, anything to do with pensions has quite a number of details. So that while we are grateful for the Bill addressing the issues of the retirement benefits and the preservation of acting capacities for fire officers, we want to say that for us, that is only the start of the matter.

Historically, we have had grave difficulties in accessing our pensions. Why is that? Madam President, while a public officer who is entitled to pension in

Trinidad merely takes himself to his department and so on, and gets his emoluments as they were computed and he gets his letter of appointment and so on, we have several more steps. We have several more hurdles to cross. The first hurdle we have to across for a public officer working in Tobago is the step of the record-keeping of the Tobago House of Assembly. And so the question of pensions, the question of public officers' pensions, including fire officers' pensions, must cross hurdle number one, the record-keeping of the Tobago House of Assembly.

Madam President, this House would be on notice that there have been several challenges as noted by the Auditor General with regard to record-keeping for public officers and otherwise, record-keeping in general on the part of the Tobago House of Assembly. So this matter is already in the public domain. That is a challenge. If you are a public officer, if you are a fire officer stationed in Tobago, God forbid that this is not your only post that you had from the time you have started being a public officer until the date of your retirement. If you are looking to put together various terms of service as a public officer from different divisions, particularly if those divisions, any of them are in Trinidad, your problem is amplified, because now, not only are you dealing with the problems intrinsic in Tobago's record-keeping, you now have to come and virtually put your file together in the various departments in Trinidad.

Madam President, that situation is compounded by bottlenecks at the Comptroller of Accounts. There is no office of the Comptroller of Accounts in Tobago. So once again, if you are trying to reconstruct your public service file and you are forced—you have had a term of office in Trinidad, a term of office in Tobago, to put that together requires several bits of machinations, including confronting bottlenecks at the Comptroller of Accounts.

Then, you also have to confront bottlenecks at the Auditor General's who is notoriously short-staffed. Again, there is no office of the Auditor General in Tobago so that you have the challenge. You have the challenge of reconstructing this file while you are in Tobago and bits and pieces of your file reside 22 miles away and scattered. God forbid that you should try to reconcile this file by phone. That is going to be an abysmal disaster. Assuming you get through to any officer that can help you or has knowledge of your file, it is going to be a cold day in hell before that would suffice. So that we really—while I do not want to understate the value that this Bill will provide to fire officers, I do not want to understate that at all, but I want to say that implementation of the provisions of this Bill and of all Bills and all bits of legislation as they refer to pensions, particularly in the Tobago context, must be addressed. [*Desk thumping*]

Madam President, the Tobago House of Assembly currently processes pensions for its contract officers. So it is clear that the THA has the capacity to process pensions and so we would want to suggest that mechanisms be put in place at the earliest opportunity so that the Tobago House of Assembly, some of this responsibility, if not all of it, is reposed in the Tobago House of Assembly. [*Desk thumping*] The reason for this, Madam President, is that it would alleviate Tobago public officers or public officers who are ending their tenure in Tobago from having to take jaunts down to Trinidad to visit Treasury to try to reconstruct their file, to go to Auditor General, to go to Comptroller of Accounts.

And of course, if you have ever had a conversation with anyone who is running down their pension, you know that this is not one excursion. And with the current challenges of having an excursion between Trinidad and Tobago, one can appreciate the frustration that is occasioned by this endeavour. So we want to suggest respectfully to the Government that in assessing or determining how this

Bill and similar legislation is rolled out, that attention be paid particularly to how it is rolled out in Tobago and how Tobagonians access their pensions.

We want to also point out that when you look at the 2011 census, it tells a particular story about how many people are likely to be affected by this bit of legislation and by any other legislation that involves pensions. And speaking only to the Tobago experience, of our population of 60,000-odd people in the 2011 census, we have 23,000 people over 40, 19,000 people over 50 and 8,000 people over the age of 60. Madam President, what does that mean? It means 10 per cent, a full 10 per cent of the entire population—not the working population but 10 per cent of the entire population is approaching retirement age or are beyond retirement age.

So when we look at our over 50s, we have 19,000, that is 30 per cent. So you have a full 40 per cent approaching retirement, at retirement, or beyond retirement. That is a large percentage of your population. It tells you that many, if not most, of the working population of Tobago are of retirement age. So when we look at how we implement this Act, we have to be sensitive because implementation, in the Tobago context, will affect or does affect quite a disproportionately large segment of that economy.

Now, previous speakers have mentioned to the Government or have informed the Government that there have been challenges in the past with people awaiting pensions and speakers have mentioned that they are aware of people who have been waiting as long as two years. In the Tobago context, people are awaiting pensions for more than four years. More than four years, persons are awaiting their pensions and this is because of the problems that I outlined. That is jumping through the THA hoop; having to reconstruct your file between Trinidad and Tobago; having to jump through the Auditor General's hoop; having to jump

through the Comptroller of Accounts' hoop.

Now, Madam President, you can just imagine, someone who has dedicated their life to public service, they have retired. They are looking forward to this pension. They are looking forward to this gratuity. Persons of advanced age have particular needs. In particular, they have health-care challenges in some cases and you are there without an income, waiting one year, no pension; two years, no pension; three years, not a cent; four years. Madam President, I am aware, first hand, of persons in Tobago who have died waiting on their pensions. It is extremely sad and because there appears to be no way out, there is a sense of hopelessness surrounding the persons who are advancing towards retirement and the persons who are at retirement waiting.

And so, it behoves this Government that while it tries to get things right with regard to the fire officers, that it also makes a good faith attempt to get it right with regard to the payment of the benefits that are now entitled—that these fire officers are now entitled to. Because, Madam President, it is no good to tell me that I have a right if I cannot access it. It is no good to give me a benefit when I literally have to die before it is available. It is no good to give me a benefit when the cost of getting the benefit is akin to the benefit itself. So that I want to suggest to the Minister that—because it is conceivable that the situation with regard to accessing pensions in the Tobago has escaped the Government's attention. Tobago, after all, is not Port of Spain and many things escape ordinary notice. So that I want to ask her to throw an eye on Tobago in the administration of pensions.

And while I am at it, Madam President, I want to mention the pensions or the gratuity rather of daily-paid workers. Daily-paid workers who are already at the bottom of the rung in terms of earning, these workers ordinarily get a one-off payment. So can you imagine, you are already working for little or no money, all

you are going to get at the end of this service as a daily-paid worker is a little one-off payment, but you have to wait one year, two years, three years, four, for, as Sen. Mark would say, “de little cacadah”. It is not right. It puts pressure on persons who have served in the capacity to which they have been called and have served in good faith knowing that the Government, or expecting that the Government would have put things in place to ensure that they smoothly transition from their working life into their retirement. There is no evidence that that happens on the Tobago landscape.

Now, in deciding how best to implement a meaningful change in the administration of pensions as they relate to public officers in Tobago, I would like to respectfully suggest that consideration be given to, one, having the Tobago House of Assembly manage all the pensions of Tobago public officers. They have the capacity to do it. They do it now for their contract workers and it would simply be a matter of training and properly provisioning the relevant department so that they can take this responsibility out of Port of Spain. That is the first thing. The second matter is, it is really high time that all the arms of Government that deal with the management and allocation and computation and payment of pensions, that they also reside in one place in Tobago. These arms must come together.

Now, I know the Minister may say that there are budgetary constraints and so on and I am sensitive to that, but there was a system that was in existence many years ago where these arms would come together and perhaps do three days a month in Tobago. So that the public officers, retirees, that were affected, could all come to the same place at the same time, in a known period, and get some assistance. Rather than running up and down between the two islands like headless chickens and meeting a different officer every time and just being wholly frustrated and overwhelmed by the process. I wanted to suggest that the Minister

have regard to the institutional knowledge of these various arms and that she notes that there is a precedent—there was a precedent set—and that she give active consideration to returning to that model in whole or in part, to offer some relief to persons awaiting pensions in Tobago. Because, Minister, Madam President, these persons are genuinely suffering. They are genuinely, genuinely suffering.

With regard to the persons most directly impacted by this legislation, we make note of the auxiliary fire officers and in Tobago, they comprise of one divisional fire officer, an assistant divisional officer, six fire sub officers and 38 firefighters, and out of that complement, nine of them are working 8.00 to 4.00. They are waiting anxiously to see if this legislation will bring relief to their complement because historically, there has been a huge challenge with members of this group accessing—even having the right to or the entitlement to a pension.

So on behalf of that group, there is certainly support for the measure and certainly a sense of relief that attention and a spotlight is being thrown on these men and women. However, Madam President, the devil is in the detail and it would be a shame if the Minister and the technocrats involved in the Ministry were to go through this entire exercise and it were to stall because of implementation challenges. And I want to say in Tobago, it is almost guaranteed to stall because of these challenges because every other bit of legislation or entitlement or right that allows for the payment of a pension has stalled.

Madam President, the hon. Sen. Mark mentioned earlier that Members of the last Parliament are still waiting 20 months for their pensions and gratuities, so there is a problem in the system. I want to point out to this honourable House that Members who sat here, from the island of Tobago, also are waiting but they have, added to the challenges, the frequent trips back and forth, and back and forth between Tobago and Port of Spain and Treasury Division and here and there,

simply to get a right realized and it is not fair. It is not fair. It is not fair to Sen. Mark who sat here, it is not fair to any of the persons who chose to serve and served honourably in this Parliament. But it is even—the incidents of unfairness fall harder on our brothers and sisters who sit here and reside in Tobago.

So, Minister, through you, Madam President, if Minister would, and the Government and the relevant department, show a care from the exceptional hardship of persons awaiting pensions in Tobago and show a care for how this legislation and similar pieces of legislation are going to be rolled out in Tobago and put in place a system where all these arms could come together, if not on one permanent basis in one office, then certainly once a week every month or once a week every other month, because retirees do not always enjoy the best of health, they do not enjoy as much disposable income as persons who are in full employment. They have various challenges and there are other systematic challenges, not the least of which are the sea bridge and the air bridge, that makes this trek really close to impossible.

So, on that note, I am grateful for the promise offered by the Act but I must caution that with this promise, much more is required in order to achieve successful implementation in Tobago. I thank you. [*Desk thumping*]

Sen. Gerald Ramdeen: Thank you, Madam President. I stand to contribute to this Bill which is an Act to amend the Fire Service Act, Chap. 35:50, to deal with one issue and one issue alone which I consider is quite important having regard to what is proposed by this legislation. It deals with the issue of differing treatment to persons who might be caught as fire officers and the impact of this amendment on those persons.

What I want to deal with particularly, Madam President, is the proposed amendment, subclause (7A) which provides that:

“A fire officer who—

has acted in a higher office for a continuous period of at least
three years...”

What I want to take issue with, Madam President, is the words:

“...immediately prior to the date—

(i) of his compulsory retirement; or

(ii) on which he proceeds on annual leave before the date of
his compulsory retirement,

shall be eligible to have his pension, gratuity or other allowance
calculated as if he were substantively appointed to that higher office;...”

Madam President, why I want to take issue with the amendment is because it is clear that in this provision, there is inbuilt a basis for similarly circumstanced persons to be treated differently, and the way in which they are being treated differently is by the words:

“immediately prior to the date—“

—of either the

“...compulsory retirement; or

(ii) on which he proceeds on annual leave...”

Madam President, each and every citizen of this country has a right to equal treatment by a public authority. It is a right that is guaranteed by section 4(d) of our Constitution and section 4(d) of our Constitution has been one of those provisions that has been very popularly litigated by the courts all the way up to the Judicial Committee of the Privy Council. And in one of most recent judgments of the Judicial Committee delivered on the 9th of March 2015 in the appeal of *Annissa Webster and others v the Attorney General of Trinidad and Tobago*, the Judicial Committee set out the approach that must be adopted with respect to this section

4(d) right and the way in which persons who are similarly circumstanced are to be treated. And I think that it is important when we treat with legislation of this nature to be able to understand what the impact of the legislation can have on persons because this piece of legislation, as simple as it might be, with only two clauses, may be a piece of legislation that can find itself the subject of serious litigation.

And it can arise in the circumstances where, Madam President, you have someone who is a fire officer who acts in a post but does not get to be promoted to the substantive position and you can have that person acting for a period longer than three years but that period that they are acting in a position for which they are not substantively appointed is a position that does not come immediately before that person retires from the service, before the age of compulsory retirement or it does not come before—immediately before the period on which that person proceeds on annual leave. [*Crosstalk*] So what you have is that you have a situation where one must be very careful how we legislate because when one examines the way in which this right bites on factual circumstances, one must be careful because the Privy Council has said:

- “(1) The situations must be comparable, analogous, or broadly similar, but need not be identical. Any differences between them must be material to the difference in treatment.
- (2) Once such broad comparability is shown, it is for the public authority to explain and justify the difference in treatment.”

And perhaps, the most important principle that comes out of it is that:

- “(3) To be justified, the difference in treatment must have a legitimate aim and there must be a reasonable relationship of proportionality between the means employed and the aim sought to be realised.”

Now, in piloting the Bill, I have not heard, what is the legitimate aim that

this legislation proposes to capture by saying that if you act in a position for three years, immediately before you go on compulsory retirement or immediately before you go on annual leave? What is the legitimate aim that the legislation pursues that is different for those persons from someone who acts in a higher post for a period of three years but that acting period does not come immediately before? And I have not heard anything from the Government to justify that.

And if that is the position and the legislation seeks to justify that, Madam President, we, as the persons who are the legislators here considering this legislation, must demand of the Government that they must tell us, what is the legitimate aim by limiting this provision to persons who act only for three years before? And there is no justifiable reason why this provision ought not to apply to someone who acts in a higher position for a period of three years but it does not precede their retirement from the service. And if you cannot provide us with what the legitimate aim is and what is the proportionate response to cutting out these persons to apply in this means to the legislation, then, Madam President, the legislation will be in breach of the equality provisions of our Constitution.

Sen. Khan: “Buh suppose they stop acting five years before they retire?”

Sen. G. Ramdeen: It does not matter. [*Crosstalk*] I might not know how to govern, Madam President, but I know what the law is. I am a lawyer, not a governor. [*Desk thumping*] So I can only—[*Interruption*]

Madam President: Minister.

Sen. G. Ramdeen: I want to get the address for some ALTA classes, you know. That is what I want to get. [*Laughter*]

Madam President: Sen. Ramdeen.

Sen. G. Ramdeen: No, but Madam—as you please. Madam President, I want to discharge my duty as a legislator; that is what I am here for. I am here

qualified in law and that is what I can speak to and as far as I am concerned, it is my duty to bring to your attention if there is a provision that we are asked to approve as a Parliament that I consider is in breach of any of the fundamental rights or in breach of the Constitution and that is simply what I am seeking to do. [*Desk thumping*] If it is that the Government does not want to take our advice, then, Madam President, they will be hoisted on their own petard because it has happened before and we know that there is very limited, very, very limited ability on the other side when it comes to legal ability and legal advice. [*Desk thumping*] So we can only do what we know to do on this side and if those—[*Interruption*]

Madam President: Members, please. [*Continuous interruption*] Sen. Ameen. Members, please. Let Sen. Ramdeen make his contribution, please. He is entitled to make his contribution. Okay. Sen. Ramdeen, continue.

Sen. G. Ramdeen: Madam President, thank you for your protection. There have been many circumstances through the courts in our country where this idea, it has become systemic now, of persons acting in a higher position and whereas it is laudable that we are here to compensate persons who have acted in a higher position, it cannot be laudable for us to continue a systemic failure of a public service where you continue to have a failure of the persons who are mandated to fill these positions and what you have is persons who continue to act in higher positions. It is very demotivating for someone to act in a higher position, retire from that position and not be entitled to the position that they substantively are entitled to and it is wrong.

6.30 p.m.

We have had numerous examples, and the question must arise. The Government speaks about governance, but they are in Government for 20 months. They have promised the people of this country better governance. They were voted

in there because they made that promise. And what have we had for 20 months to improve the public service, Madam President? It has been a continuous downfall of contract employment. Contract employment to do what? Contract employment to simply pass on jobs to people who support your party?

Madam President: Sen. Ramdeen, I have to ask you though to kind of focus on the Bill that is before us. Okay?

Sen. G. Ramdeen: I am obliged, Madam. So, Madam President, I think that having brought this piece of legislation to Parliament, it is just a piecemeal attempt and it is not going to fix the systemic failures that exist in the system today. This piece of legislation provides a mechanism whereby fire officers can be rewarded for the work that they have done, only those who would have been acting in a higher position immediately before.

And I think we must say—Madam President, I have had situations where, that provision that Sen. Mark had referred to, about six months before notice is given—there are people who cannot even buy medication, Madam President, after they have retired from the public service. And one has to ensure that if this legislation is passed, that the persons who are to benefit from it will really and truly benefit from it.

And one would have thought that we would have been given some kind of assurance by the Minister today that things have been put in place at the Comptroller of Accounts department, to fill the vacancies that are there, and if not, to provide the Comptroller of Accounts with the staff, the resources, the machinery to be able to process this. Because, we are really going to—this piece of legislation, Madam President, which has good intentions, is really going to amount to nothing, if at the end of the day, those limited fire officers who are to benefit from it will retire from the public service and they will not be able to get their

pensions. We should be standing here as a Legislature and be able to say to the people who are to be affected by this piece of legislation, that we can give them some kind of guarantee that when this legislation is passed they will be able to access the benefits of it. And if we cannot do that, then really, and I do not want to use the word “wasting” time, but we really would not achieve anything materially to the persons who are to benefit.

So, I hope that in the short period of time, this short contribution that I wish to make, that the Government would take on board what the real effect of this is and if they do not, Madam President, I am saying and putting it on the *Hansard* that at least the Opposition raised the issue that this has the ability to discriminate against a certain sector of persons who are affected by it. And if that is the position, at least when it reaches the courts, it would be something that they would be able to determine, it having been raised here. So I thank you, very much, Madam President. [*Desk thumping*]

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you, very much, Madam President. Madam President, as I rise to bring this debate to a close, I want to recognize the presence of the President of the Trinidad and Tobago Fire Service Association, Mr. Leo Ramkissoon, who has joined us a short while ago. And I am sure, Madam President, that not only Mr. Ramkissoon, in his position as President of the officers for whom this Bill is intended, in his personal capacity, but all other fire officers are very pleased that this piece of legislation is now in this House and would soon bring relief. [*Desk thumping*]

But before I proceed further, Madam President, I feel compelled to respond to some of the statements made by my colleagues on the other side. Let me say upfront that I am really thankful that Sen. Mark is the Leader of Opposition

Business on that side because he seems to be the only one on that side to understand the intention of this piece of legislation.

Madam President, let me start from the last and come forward. Sen. Gerald Ramdeen, he has run away, spoke pure gibberish a little while ago. It made absolutely—[*Interruption*]

Madam President: Minister, please. I am going to ask you to refine what you are saying. Okay? Thank you

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. Sen. Ramdeen spoke on a subject that he has clearly failed to understand nor sought to understand. He attempted to tell us that this piece of legislation brings about inequality of treatment. To the contrary, Madam President. This piece of legislation seeks to bring about parity, to bring parity to the fire officers, to bring them on par with public officers, [*Desk thumping*] teachers, prison officers and police officers. So clearly, the incoherence I just heard, I will say no more on that.

Madam President, I heard the cry of the newly minted Sen. Christlyn Moore with regard to Tobago, and certainly the suggestion made is a suggestion worthy of exploration, and I shall certainly convey it to the Minister of Finance. But I want— Sen. Moore spoke about persons awaiting pensions in Tobago for as much as four years. It is the first time I have heard such a statement made and I am very, very familiar with pension arrangements and I know that persons, former public officers, have to wait as much as two years, but I do not know about four years. And I would welcome her to share with me the names of those persons so that something can be done to address their particular issues.

Madam President, Sen. Khadijah Ameen spoke about contract workers in state agencies and the public service being advertised and we are not doing anything about contract labour.

Sen. Ameen: I asked what is being done.

Sen. The Hon. J. Baptiste-Primus: No. You said that, in my presentation I spoke about this Government abolishing contract labour. I said no such thing. I said the policy framework of this Government is reducing our dependency on contract labour, because you see, Madam President, contract labour by its very nature cannot be abolished at all, because depending on the nature of a job, you want an electrician to come in and do a piece of job, you offer a contract, so is a plumber. There are certain jobs which will be done under a contract basis. So that this Government policy framework has not spoken to the abolishing of contract labour, but rather reducing our dependency on contract labour. And I think in my presentation I have placed enough information before this honourable House to clearly indicate that this Government is working assiduously to bring about that kind of legislative change.

Madam President, I turn to my very good friend, Rodger Samuel, and clearly Sen. Samuel also did not do his homework, because Sen. Samuel mixed up every aspect of what we were trying to do and he ended by saying we have wasted the time of the Senate, because the public service Pensions Act already made provisions for it.

Madam President, I am really surprised at what has been enunciated here by my good friend. I want to share with him and his other colleagues and Trinidad and Tobago that there are different pieces of legislation governing different officers in the employ in the public service.

So, for example, you will have the police coming under the Police Service Act, Chap. 15:01. You would have the teachers coming under the Teachers' Pensions Act, Chap. 39:02 and the Assisted Secondary School Teachers' Pensions Act, Chap. 39:03. You would have the prison officers coming under the Prison

Service Act, Chap. 13:02. As a matter of fact, Madam President, you have the Prime Minister's Pension Act, Chap. 2 of 1951. You also have Members of Parliament Retiring Allowances (Legislative Service) Act, Chap. 2 of 2003. You have the Judiciary, the Judges Salaries and Pensions Act. So, Madam President, different categories of public officers are governed by different pieces of legislation. So that I trust that I have brought some clarity to my very good friend, Sen. Rodger Samuel, that each of these officers operate under separate pieces of legislation.

Madam President, I turn to Independent Senator, Dr. Dhanayshar Mahabir, who, in his contribution he asked the question, for information I would have given in my presentation, whether or not nurses in the RHAs and prison officers are eligible for this facility, and I did make that in my presentation and I think I just repeated it, to indicate all those other categories. You cannot bring the RHA nurses into it. Prior to the creation of the RHAs nurses were public officers. But going across, taking a transfer to the RHAs, they no longer fall under the public service and therefore their pension arrangements will have to be taken care of separately. Sen. Mahabir asked the question: How many officers would benefit from this piece of legislation? I am informed that there are 2,600 positions in the fire service. So that will give us an idea of how many persons will be eligible.

Madam President, Sen. Mahabir made a recommendation for the amendment of the legislation and his amendment is that we must insert at (7C), subclauses (7A) and (7B), where it talks about an officer retiring from the public service. Instead of "2008", he wants to include "prior to the proclamation of this date". While anyone would understand the honourable intention of Dr. Mahabir, I wish to advise him that this is not a piece of legislation that is intended to catch all, going back to God knows how far, because we just do not have the authority to do that.

The Cabinet Note and the Cabinet decision was taken in 2008, and even for this present piece of legislation, the Cabinet decision, the last Cabinet decision was taken in 2012.

Sen. Dr. Mahabir: Clarification. Thank you, Madam President, and thank you hon. Minister for giving way. The clarification I need, hon. Minister is this, are there any public officers in Trinidad and Tobago who at this time retired, prior to January 01st, 2008, who acted in positions and who are in receipt of the pensions consistent with the substantive position that they left? Thank you.

Sen. The Hon. J. Baptiste-Primus: Madam President, the hon. Senator is posing a new question to me, let the record show that, but I will try to accommodate him. I will always try to accommodate him. I am not in a position to give that information. That information could be sourced, subsequent to today. But you see, Sen. Mahabir, as I said there is no authority to go before the Cabinet date. We cannot go before 2008. It just cannot be done. The last administration took the decision in 2012, but in seeking to bring parity, we cannot go beyond 2008.

Now—[*Crosstalk*] Sen. Wade Mark, I expect better of you, you know. Sen. Wade Mark—[*Interruption*]

Madam President: Minister.

Sen. The Hon. J. Baptiste-Primus: Sorry, Madam President. He is my good friend. He is my good friend. I mean, Sen. Mark stood up and said that fire officers are treated as bastard children. But you know, Sen. Mark, I want to remind you and your Bench that this piece of legislation, the decision was taken by your political leader in 2012. Let me repeat that; 2012. The UNC did nothing in 2012, nothing in 2013, nothing in 2014 and nothing in 2015, although it had three extra months in office. [*Desk thumping*] So, therefore, to come and say [*Desk thumping*] that this Government is treating fire officers as bastard children is a bit unfair and

“ah feel ah have tuh” challenge you on that point. Although I hear the other point that you make, in terms of the need for updating the various offices and equipment to fire officers, and that will continue to be a work in progress.

Now, Madam President, I have nothing else to say on the contribution of Sen. Mark, since it was his prerogative to bring in other issues that he felt would make whatever impact.

Now, Madam President, this piece of legislation, as I said, this Bill before us seeks to give effect to a collective agreement negotiated by the former administration on the 6th of March, 2012, and this Bill, the background to the Act, which is, I believe, part of the memorandum of agreement, and that agreement was ratified by Cabinet Minute 643 of March 22, 2012. Madam President, and I wish my friends on the other side to note well, because they have been attempting to give the impression as though they have no responsibility in this whole situation. But I want to point out that on that day in March 2012, Cabinet agreed that the UNC Attorney General should amend the Fifth Schedule to the Fire Service Act to give effect to the terms of the agreement between the CPO and the fire service association relating to pension arrangements. [*Desk thumping*] That was not done. So do not come here and play you all are so innocent. You all had all opportunity to change it and you all failed to do that. The Cabinet decision was for your Attorney General at the time to make the necessary amendments to the Fifth Schedule.

The agreement between the CPO and the Trinidad and Tobago Fire Service Association also addressed other areas, including salary, allowances, overtime, pension, and so on. The Bill follows—Madam President, this Bill follows other similar legislation that has been enacted since 2008, to give effect to agreements between the CPO and the PSA, the CPO and TTUTA, the CPO and the prison

officers association, the CPO and the police officers association, and so on, and so on, to allow public officers to have superannuation benefits of the higher position upon retirement.

Other similar legislation and their effective dates of implementation are as follows: in January 2004, the Pensions Act was amended to give effect to similar terms, at the same time regulation 183A of the Police Service Regulations was amended. On 01 January, 2005, the Assisted Secondary School Teachers' Pensions Act was amended to give effect to similar provisions. On January 01, 2005, the Teachers' Pensions Act, Chap. 39:02 was amended to give effect to similar provisions, and on 01 January, 2007, the Prison Service Act was amended to give effect to similar provisions.

So that, Madam President, what we have seen is an incremental adjustment to the various pieces of legislation, to afford public officers the right to have a pension, once they have served continuously for three years in the higher position. I have heard some very bizarre formula used here in this Chamber, and some really out of whack examples. But, Madam President, I mean, I have been part of the public service for many, many years. I am very, very familiar with the public service and how it operates. And I have known of no case, Madam President, where someone acts for three years and just before retirement, they were placed back into their substantive position. It does not work like that. That is a dream. That is a dream. That is a nancy story.

But what, at the time, over the years what we had observed was that public officers were disadvantaged and, therefore, steps were taken to correct that. And as a matter of fact, Madam President, what we are doing here today is regularizing a situation to allow a fire officer who has acted in a higher position for a continuous period of three years, prior to retirement, to receive the benefits in the higher

office, whether or not that fire officer is promoted to the position or not. Because, before 2004, Madam President, when a public officer is acting in the higher post and that public officer is not promoted, then that public officer's pension was calculated in his or her substantive post which was at the lesser salary and they were really disadvantaged.

The salient point here, Madam President, is that the matter was approved by Cabinet in 2012, and the then former administration did nothing at all after that, and this piece of legislation, this Bill we have brought before this House, is an attempt to fix that.

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

Question put and agreed to.

Bill accordingly read a second time.

Sen. The Hon. J. Baptiste-Primus: Madam President, in accordance with Standing Order 57, I beg to move that this Bill not be committed to a committee of the whole Senate.

Question put and agreed to.

Question put and agreed to: That the Bill be read a third time.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, I beg to move that this Senate do now adjourn to Thursday, 1st of June, 2017, at 2.30 p.m. At that point in time we would conclude debate on the Motor Vehicles and Road Traffic Act.

Sen. Mark: Madam President, I want to put on the record, for your consideration, this unilateral, autocratic approach that the Leader of Government Business has started in this Senate. It is not going to be accepted by the Opposition,

and therefore, we are serving notice on him and his side that we are prepared to be consulted, Madam President. We are prepared to negotiate. But we are not prepared to be disrespected by the Leader of Government Business or the Government Bench and, therefore, we are saying, Madam President, consistent with Standing Order 11(1), we know that we are supposed to meet at 1.30 p.m. on a Tuesday and we shall meet at 1.30 p.m.

We also know, Madam President, that the Parliament regulates its own business and that is why we are saying that we are prepared to be consulted. We are prepared to negotiate these matters. But we cannot tolerate a Leader of Government Business coming here every other week and simply springing a surprise on this Bench and saying we are going to deal with a 2.30 assignment.

Madam President, may I also bring to your attention that the Cabinet is not in charge of this Parliament. [*Desk thumping*] The Cabinet is not in charge of the Parliament of the Republic of T&T. And, Madam President, I draw this to your attention because there are several parliamentary committees that have already assigned their responsibilities, in terms of workload, until the first week of July. And I ask the Leader of Government Business to please have consultations with the Clerk of the Senate, your good self as the President, and the leaders of the respective Benches so we can find a reasonable solution to this problem. Otherwise, Madam President, we are going to go right into the first week of July and we will not get the opportunity to deal with other parliamentary matters.

And, therefore, I am suggesting that we are prepared to engage in consultation with the Leader of Government Business but we are not prepared to be disrespected by the Leader of Government Business every other Tuesday and say the next sitting is on a Thursday at 2.30 p.m. because the Cabinet is meeting. That does not work like that. So I just want to put on record our position.

Sen. Dr. Mahabir: Thank you very much, Madam President. I rise on 11(1), given the normal sitting days of the Senate. I simply think, Madam President, that there is a need for consultation and information. This is a surprise to me as well, not the Thursday sitting but again at 2.30 p.m., and I really would think it would make for a more efficient management of the Benches, certainly amongst the Independent Members, if we are, after due consultation with all the leaders and the coordinator, able to make a determination and to get agreement so this issue does not arise.

I know the Leader of Government Business, understanding what 11(3), can do what he is doing but really, with consultation this situation does not have to arise and there need be no wrangle and ill will amongst the Benches. Thank you very much, Madam President.

7.00 p.m.

Madam President: I am hearing two things: what is within my purview is in respect of Standing Order 11. Now, Standing Order 11(1) says that we normally meet on a Tuesday at 1.30 p.m., but that is subject to Standing Order 11(3), which sets out that the Senate may, at any time, by any Motion, suspend and vary that particular time, Tuesday at 1.30 p.m. That is the position on the Standing Order.

With respect to collaboration, all I can ask is that Members get together with the requisite persons and try and resolve the issues. I cannot do that. Okay. I am going now to suspend for five minutes so that there can be some discussion, so that when I return we can deal with the Motion for the adjournment hopefully in a peaceful and—[*Interruption*]

Sen. Dr. Mahabir:—tranquil manner.

Madam President:—yeah, manner. Okay? So I will suspend this sitting for five minutes.

7.01 p.m.: *Sitting suspended.*

7.05 p.m.: *Sitting resumed.*

Sen. The Hon. F. Khan: Madam President, if I can interject here. I have met with the Leader of the Opposition and the Independent coordinator; they have made their case, and we will hopefully meet on this next Thursday, the 1st at 2.30 p.m. and thereafter if we are to meet on some other Thursday during the month of June, I will make my best effort to card those sittings at 1.30 p.m, but I need to consult the Prime Minister, in particular, as to how the Cabinet is conducted to try to finish on time.

GREETINGS

(Indian Arrival Day)

Madam President: Hon. Senators, at this stage, before I move the Motion for the adjournment, we are going to be celebrating Indian Arrival Day and, therefore, I am going to invite the Parliamentary Secretary in the Ministry of Agriculture, Land and Fisheries to bring greetings. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Agriculture, Land and Fisheries (Sen. Avinash Singh): Thank you, thank you kindly, Madam President. I rise, and I take this opportunity with great privilege to bring greetings on behalf of the Government of the Republic of Trinidad and Tobago and this bench to the nation and the population at large on the celebration of the occasion of Indian Arrival Day.

Madam President, on May 30, 1845, some 172 years ago, the *Fatel Razack* would have sailed to the shores of this country, bringing along the first set of Indian immigrants, and I dare say, Madam President, not only did it bring labour, but also it brought a new people to this country.

Madam President, the circumstances in which my forefathers came to this

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country would have been various reasons. Some could debate—whether it be foreign opportunity, economic prosperity or in search of a better life—whatever it was, Madam President, we are grateful. On a personal note, having spent 25 days in India in 2013, I could say that I am very happy that my forefathers came to this land because, Madam President, some of the conditions I saw in India were really, you know, against what we call humanitarian. As I drove through some parts of the State, the Ota Pradesh State, and even Punjab, where probably my ancestors the Singh, the Sikhs, the warriors came from, Madam President, I dare say that a lot has not changed in the living conditions and the circumstances.

Madam President, in the years 1845 and 1917, some 140,000 Indians would have been transported to this country. Bringing with that, Madam President, over the years, this country has grown to accept some of the customs and festivals, and I dare mention some of them: events such as Divali, Eid-ul-Fitr, Phagwa and Hosay. These festivals, Madam President, in fact, have become part of our cultural fabric here in this country.

Madam President, the indentured labourers also brought their religion, food and clothing. Some of the places in our country are even named after some of the places, like Fyzabad, Barrackpore and Chandernagore and so many others. When we look to even the naming of our children, Madam President, and you look to the Hindu names for girls, things like “Mohini” which means “most beautiful”, “Madhuri” means “sweet girl”, Madam President. My very own name, “Avinash” means “endless or boundless”. My colleague, being a Muslim named “Kazim” means “restrainer” or “controller of anger”. [*Desk thumping and laughter*] Madam President, these names are etched. Another girl name “Fareeda”—a Muslim girl child name “Fareeda” means “unique” and the list goes on.

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I want to say, Madam President, that my great, great-grandfather, Mr. Indarjeet Singh, his wife Parbatee Singh and one child, a seven-year-old, Rampersad Singh, not being my great, great-grandfather but that of my great-grandfather's brother, would have come to this country and they were posted on the first estate in Petit Morne and then later transferred to the La Ressouse Station in Papourie Road.

Madam President, coming out of all this interaction, and what the indentured labourers would have brought, they were a "lil" more lucky than a lot of the other persons who would have come to this country, because being indentured labourers, they were allowed to practise their religion, they were allowed to practise their culture. Some things even more evident now, and communities still go towards them are things like the panchayat system where communal problems were dealt with. More importantly, I mean, we can all attest to this. Just about an hour or two ago we had some food upstairs—the national cuisine in Trinidad and Tobago now has so much to thank this population for—and we can name a few: the sada roti, dosti roti, paratha and dhalpourie. The sweets: khurma, doubles. Madam President, some of the fruits and vegetables: baigan, "damadol" as we call it "tomato", dhal, "nariel" which is coconut and the list goes on.

Madam President, growing up in a home where the culture was so evident of India, you almost could not be spared from licks from a "dabila" for those of you all who know or a "dhall-ghotni" which is the swizzle stick and a "belna". How could we forget? So all of these things are etched in our culture.

When one looks at the music and dance in our country, Madam President, from the contributions, you know, we have "tassa, tabla, dholak, majeera" and the "sitar and harmonium" just to name a few. One that I play, Madam President,

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which is the “dhantal” which was an Indian instrument that was made here in Trinidad and Tobago, because it was used from the bull carts—it is a piece of iron straightened and then they used the horseshoe. Madam President, I play it and I play it very well. [*Desk thumping*]

So these are just some of the things, Madam President, we have to thank this population for. We can look to the “ghazals”, the “birhas”, classical Indian dances and even chutney. When one looks at even the fashion, the contribution to fashion, Madam President—“sari” and “shalwar”. I know my Senator colleague, Khadijah Ameen, she loves to wear her “gangri”, a long dress and so on.

Madam President, all in all, the Indian community in Trinidad and Tobago has proven to be a resilient people. We have adapted perfect in this country and we have continued to contribute to the economic development of this country, the social stability of this country, the cultural diversity and national unity.

Madam President, I am very proud as a diaspora of the Indian culture and country to stand here in this august Chamber and address the nation on this occasion. On behalf of the Government, I want to say how particularly pleased we are to be in this country where all of us could enjoy, with boundless faith in our destiny, and here every creed and race find truly an equal place, Madam President. Thank you. [*Desk thumping*]

Sen. Wade Mark: Thank you. Thank you very much, Madam President. Madam President, on behalf of the alternative government and our esteemed Opposition Leader, the hon. Kamla Persad-Bissessar, we wish on this bench to extend to the entire nation, a happy Indian Arrival Day. [*Desk thumping*] On Tuesday 30th of May, 2017, we will be commemorating and celebrating the 172nd anniversary, since the first group of contracted East Indian labourers came to our

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shores and came to Trinidad and Tobago seeking greater economic opportunity.

Our East Indian forefathers came to this country in continuous multitudes and worked extremely hard to provide a better future for themselves and their families. They also came to seek greater opportunities and performed valuable roles in making Trinidad and Tobago a land of great opportunity today. We live in a sea of diversity as we celebrate our collective humanity in an environment punctuated by our country's various multicultural backgrounds, multi-religious experiences and multi-ethnic communities, seeking to promote a better and a more just and peaceful society.

So, as we celebrate our 172nd anniversary on Tuesday the 30th of May, 2017, we wish the entire national community, a happy and wonderful Indian Arrival Day. May I on behalf of our bench, extend to the entire community of Trinidad and Tobago, particularly our East Indian brothers and sisters, a happy Indian Arrival Day, all inside and outside of this Chamber. Madam President, may I also extend to all our senatorial colleagues, on all sides of this honourable Senate and their respective families; the staff of the Parliament; the Parliament police officers and to every single citizen and even visitor to our twin-island Republic state, a happy Indian Arrival Day holiday and, Madam President, of course to you and to your family, a happy Indian Arrival Day as well.

In closing, I also cannot—mention rather and to extend at the same time, with your leave, to a living icon and legend, our own former Prime Minister and Opposition Leader, who is celebrating today his 84th birthday. I refer to the honourable Basdeo Panday. I wish on behalf of the Opposition and our bench to wish him a very happy birthday on this occasion. [*Desk thumping*]

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Sen. Dr. Dhanayshar Mahabir: Thank you very much, Madam President. Madam President, on behalf of the Independent Bench, I consider it a great honour to be bringing greetings to the national community on this, the occasion of Indian Arrival Day. Madam President, I tend to see things a little bit differently from most, and on reflecting on the holiday, I pondered on the reason for the existence of Trinidad and Tobago's economy and society.

Trinidad and Tobago started as a plantation agricultural economy. Without plantation/agriculture, we had no reason for existence from the early days. Madam President, plantation/agriculture is unique. It requires huge quantities of cheap labour—cheap labour because the products of the plantations, at the time, were sold competitively as they are sold now. The only cost under the control of the planter class was the wage cost.

Slavery, as Dr. Eric Williams had argued convincingly, was expensive because there was a huge pension bill, and with the need to minimize labour cost, one saw the emergence of contract labour. Contract labour starting with the Chinese in 1806—I think they too have reason to celebrate a day which commemorates the indentured immigrants. The Portuguese, somewhere around 1846, also came as indentures and the Indians came in in large numbers to form the bulk of the labour force in the plantations. But this was based upon exploitation, exploitation defined simply to mean paying labour less than what labour contributed to the organization. This exploitation could arise only because labour had nothing to sell, but its labour power. Labour was not equipped with capital, and so you had to accept the exploitation and also, at the same time, accept the fact that you were not full citizens of Trinidad and Tobago. We were told that the indentured immigrants were second-class citizens. They were not, Madam President.

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I have two documents, two ID cards: one says, under “Nationality” “Citizen of the Commonwealth” belongs to Lalmani Badal. That is my grandmother. And another ID Card Mahabir Tomolie—his nationality is British in the ID card, although it is a Trinidad and Tobago ID Card. And one that belongs to a well-known face, Dhanayshar Mahabir; I am a citizen of Trinidad and Tobago.

I raise this, Madam President, because from the designation of Citizen of the Commonwealth, British, in the case of my “aajaa”, you found people who held the view that Trinidad and Tobago was the place to stay. Many of their friends returned to India but they stayed, both of them. They stayed in the village of Cunupia after buying their way out of a bond at the Woodford Lodge Estate in 1918. Indian Arrival Day is celebrated for a reason, in my mind. Here it is, two immigrants who had confidence in Trinidad and Tobago—more confidence in Trinidad and Tobago than they had in their home country—confidence to stay and to start and grow a family here and this confidence was not misplaced.

As early as 1851, Lord Harris started a system of education for the children of the ex-slaves, much to the opposition of the planter class and the colonial Government. We do not know too much about what they did, but the colonial Government went on a thrust of education for the children of the immigrants. Madam President, 31st of August 1931, the date when Cunupia Government Primary was opened—that is the primary school I attended—under the colonial administration in contrast to the planter class that wanted child labour, paying children twenty cents a day so that parents had an incentive not to educate, but the colonial Government—the Government of Trinidad and Tobago, post 1946 when we had the franchise—the Government from 1925 to 1946 and the Government after 1956—every single Government in Trinidad and Tobago provided

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opportunity for the children of the immigrants to educate themselves, to obtain human capital, education, money capital via moving out of the plantation and physical capital.

What we are seeing, Madam President, today, is that opportunities which were created by the Government, in contrast to the efforts of the planter class, showed that the Government of Trinidad and Tobago always acted in the interest of all its citizens. Being in the Senate means that we continue with that tradition. We take this right for granted, Madam President.

In Europe, many governments prevented the Jews from owning land, not so in Trinidad and Tobago—equality of opportunity for all. So when I celebrate Indian Arrival Day, and when we as a country celebrate Indian Arrival Day, it is as much a celebration of the hope realized of the indentured immigrant and a celebration of the type of society in which we are and Trinidad and Tobago live—a society which from the earliest times, 1851, Lord Harris started to provide opportunities for all.

The success of the immigrants, therefore, in my mind, is a signal to the rest of the society that there should be no excuse for turning to a life of crime when the Government, [*Desk thumping*] every single Government has provided the opportunity for advance. We simply need to look at what they have done, learn from them and take advantage of the opportunities of the governments in the past and the opportunities that governments will continue to provide.

And so, we celebrate Trinidad and Tobago as a society that provides opportunity from the colonial days to now; we celebrate the confidence of the Indian immigrant; the confidence of all the immigrants before—the Chinese and the Portuguese in Trinidad and Tobago staying to build the society that we have.

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And while I celebrate all of these, Madam President, we know that it is important to bring greetings, but that we must also recognize that in Trinidad and Tobago, they are the first nation's people. I hope at some time we recognize the contribution of the first nations of Trinidad and Tobago.

So while I bring Indian Arrival Day greetings to the whole country, I say let us give thanks, give thanks for all that we have achieved and recognize all in our country who have made the type of contributions to make us into the country we are today. I thank you, Madam President. [*Desk thumping*]

Madam President: Permit me, hon. Senators, to join with you in wishing our citizens a happy Indian Arrival Day. As the historians amongst us would know, Indian immigration to Trinidad and Tobago spanned the period 1845 to 1917. During this period, over 140,000 Indians were brought to the island. Today 172 years later, Trinidad and Tobago is the fortuitous beneficiary of this critical part of our nation's history.

As we celebrate the 172nd anniversary of the arrival of these first indentured labourers to our shores, we celebrate the contributions made by these courageous men and women and by the generations that have followed them. We remember their struggles, we laud their victory over adversity, and we honour their love and dedication to our country.

So, hon. Members, I wish each and every one of you present here in this Chamber and all of Trinidad and Tobago, happy Indian Arrival Day. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.28 p.m.