

SENATE

Tuesday, April 24, 2018

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

PAPERS LAID

1. Ministerial Response of the Ministry of Agriculture, Land and Fisheries to the Seventh Report of the Public Accounts (Enterprises) Committee, Second Session (2016/2017), Eleventh Parliament on the Examination of the Audited Accounts, Balance Sheets and Other Financial Statements of the Estate Management and Business Development Company Limited (EMBD) for the financial years 2008 – 2010. [*The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)*]
2. Response of the Service Commissions Department to the Ninth Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial years 2014 and 2015 with specific reference to the Ministry of Health. [*The Vice-President (Sen. Nigel De Freitas)*]
3. Consolidated Audited Financial Statements of the National Gas Company of Trinidad and Tobago Limited for the financial year ended December 31, 2017. [*The Minister in the Ministry of Finance (Sen. The Hon. Allyson West)*]
4. Annual Audited Financial Statements of the Water and Sewerage Authority (WASA) for the year ended September 30, 2013. [*The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte)*]

UNREVISED

5. Annual Administrative Report of the Arima Borough Corporation for the year 2014/2015. [*The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein)*]
6. Annual Administrative Report of the Arima Borough Corporation for the year 2015/2016. [*Sen. The Hon. K. Hosein*]
7. Ministerial Response of the Ministry of Housing and Urban Development to the Eleventh Report of the Public Accounts Committee, Third Session (2017/2018), Eleventh Parliament on the Examination of the Audited Financial Statements of the Land Settlement Agency for the financial years 2008 and 2009. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
8. Annual Report of the Strategic Services Agency, Ministry of National Security for the year 2015. [*Sen The Hon. F. Khan*]

URGENT QUESTIONS

(Deported Venezuelans) (Asylum Certificates)

Sen. Wade Mark: Thank you, Madam President. To the hon. Minister of National Security: Can the Minister indicate whether any of the 82 Venezuelans who were recently deported were in possession of asylum certificates?

Madam President: Minister of National Security, you have two minutes.

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam President. Madam President, 82 Venezuelan citizens returned to Venezuela on Saturday the 21st of April, 2018, aboard a Venezuelan military aircraft, sent by the Venezuelan Government for the return of their citizens. Three of the voluntary repatriates applied for and obtained asylum-seeking certificates from UNHCR, but expressively abandoned their asylum claims in writing, via the UNHCR's agent, the Living Water Community. These persons also expressly and

voluntarily agreed to their repatriation on two separate occasions, which were recorded, Madam President.

Sen. Mark: Madam President, could the hon. Minister provide this Senate with the information in documented language, as it relates to those three Venezuelans who, we are told, applied and later reneged? This is what we are being told, Madam President, by the hon. Minister.

Madam President: Sen. Mark, you are asking for the documentation?

Sen. Mark: Yes.

Hon. Maj. Gen. E. Dillon: Madam President, I am pleased to do so, subject to Cabinet's approval.

Sen. Ramdeen: Thank you, Madam President. Madam President, through you to the hon. Minister of National Security: Could the hon. Minister of National Security indicate to this Senate whether legal advice in a language that the Venezuelans could have understood, or any type of advice, was provided to these persons before they voluntarily, according to the Minister, decided to be repatriated to Venezuela?

Hon. Maj. Gen. E. Dillon: Madam President, the repatriates, Venezuelan citizens, were in fact counselled by the Ambassador of Venezuela to Trinidad and Tobago. She dealt with matters pertaining to that, Madam President.

Madam President: Next question, Sen. Mark.

Venezuelan Nationals (Protection of Asylum Seekers)

Sen. Wade Mark: To the hon. Minister of National Security: Given the concerns raised by the United Nations Resident Coordinator in Trinidad and Tobago, in respect of the deportation of 82 Venezuelan nationals, can the Minister indicate what is in place to protect asylum seekers?

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

you, Madam President. Madam President, let me just correct one aspect of the question. Citizens were not deported from Trinidad and Tobago. It was voluntary departure.

Madam President, the Ministry of National Security continues to hold discussions with UNHCR rep in Trinidad and Tobago. As a matter of fact, that has also been joined by the Attorney General. So between the Attorney General and the Ministry of National Security, we continue to hold discussions with UNHCR resident here in Trinidad and Tobago.

Madam President, Trinidad and Tobago acceded to the 1951 Refugee Convention, and the 1967 Protocol, relating to the status of refugees in 2000. It is to be noted, Madam President, that it is only the United Kingdom thus far who has ratified this treaty. No other country has done that so far, only the United Kingdom. And, therefore, Trinidad and Tobago has not enacted those laws within the domestic legislation of Trinidad and Tobago.

Madam President, standard operating procedures are in place in Trinidad and Tobago to deal with this. These procedures involve a process of applications or claims to the UNHCR via the agent for the UNHCR, the Living Water Community, or via the Immigration Division.

All applicants are required to obey the laws of Trinidad and Tobago. The UNHCR informs the Immigration Division of applications and persons who may be put on orders of supervision, if possible. That is after UNHCR has gone through their processes. The UNHCR engages in an investigation of the claims to establish whether the applicant expresses a fear of return to his country of origin, or, last habitual residence, based on a well-founded fear of prosecution, that is, reason of race, religion, nationality, membership of a particular social group or political opinion, and qualifies as an asylum seeker. This investigation is to be

done within a three-week period. The applicants are accommodated by the agent for the UNHCR, in which case, the Living Water Community in Trinidad and Tobago. Compliance with the laws of Trinidad and Tobago is mandatory.

Madam President: Minister, your time is up.

Hon. Maj. Gen. E. Dillon: Thank you, Madam President.

Sen. Mark: Madam President, could the hon. Minister indicate whether the standard operating procedures outlined by him are in contradiction or inconsistent with the guidance note issued by the United Nations High Commissioner for refugees on March 18, 2018? Could you tell this honourable Senate if there is a contradiction, or if they are in harmony?

Madam President: Sen. Mark, that question does not arise. Just have a look at the question that you have posed and you may ask another question.

Sen. Mark: No, no, no, I am dealing with the response.

Madam President: Yes, I know.

Sen. Mark: He talked about standard operating procedure.

Madam President: The question, could you ask another question, please?

Sen. Mark: Madam President, may I ask the hon. Minister whether the existing protocols, not protocols, because that is another question that is on the Order Paper. But the question I would like to pose here is whether Trinidad and Tobago, as a signatory to this particular 1951 Convention, whether asylum seekers are required under international law to be granted certain protection by the Government of the Republic of Trinidad and Tobago?

Hon. Maj. Gen. E. Dillon: Madam President, I mentioned a while ago that the laws have not been enacted in Trinidad and Tobago. The procedure that I mentioned a while ago is done between UNHCR and Living Water Community. Living Water Community acts as the local agent and refers the applicants to

UNHCR who deals with that. There are no laws. The laws have not been enacted, in the domestic laws of Trinidad and Tobago.

Sen. Mark: Madam President, in light of the fact that we are a signatory—

Madam President: Sen. Mark.

Sen. Mark: No, you are—

Madam President: That is your second question. Next question, Sen. Mark.

Sen. Mark: I thought you were going to be lenient.

Madam President: Next question, Sen. Mark.

Sen. Mark: Not today. That is Jack Warner, you know, not today. Madam President, may I ask the other question?

[Assent indicated]

**Chaguanas Municipal Police Officers
(Acquisition of Functional Firearms)**

Sen. Wade Mark: To the hon. Minister of Rural Development and Local Government: Can the Minister indicate what action is being taken to ensure that the Chaguanas Municipal Police Officers are outfitted with functional firearms?

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): Thank you, Madam President. Madam President, I would like to thank the hon. member for his question, as the issue of equipping our municipal police to ensure the safety of our citizens is an extremely important one for the 14 corporations, and by extension the Government.

The Assistant Commissioner of Police is handling this issue and it is receiving his urgent attention. The Inspector at the Chaguanas Borough Corporation has been asked to submit the name of the provider for the firearms, which was supposed to accompany the request for the clearance to purchase the weapons, and once the information is provided, the approval process can move forward right away.

The procedure is that the name of the provider must be submitted to the Commissioner of Police, with the request for clearance to purchase firearms. In the case of the Chaguanas Police, the first request was lost by the Office of the Commissioner of Police [*Crosstalk*] and a new request was submitted in November 2017, but without the name of the provider.

The Inspector at the Chaguanas Corporation was contacted yesterday to submit the name of the provider, so the process can be completed. Thank you very much.

Sen. Ameen: Madam President—

Madam President: Actually, Sen. Ameen—the time, hon. Members, for Urgent Questions, has expired.

ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, the Government is pleased to announce that it will be answering all questions, save and except question No. 64. As you recall, on the last sitting, Standing Order 27(15) was invoked. I have been informed by the Minister of Finance that you will be getting your reply tomorrow and the answer will be available at the next sitting of the Senate.

ORAL ANSWERS TO QUESTIONS

Galleons Passage

(Details of Dunn and Bradstreet Report)

64. Sen. Wade Mark asked the hon. Minister of Finance:

Having regard to the Dunn and Bradstreet Report on the *Galleons Passage*, can the Minister indicate the following:

- i. the main elements contained in the report; and
- ii. the cost of said report?

Question, by leave, deferred.

**Malabar Site 3 Housing Development
(Details of)**

85. Sen. Wade Mark asked the hon. Minister of Housing and Urban Development:

With respect to the Malabar Site 3 Housing Development, can the Minister indicate:

- i. the number of housing units completed or renovated for the period September 2015—January 31, 2018;
- ii. the number of housing units distributed for the period September 2015—January 31, 2018; and the number of units currently unoccupied?

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you, Madam President. The housing development at Malabar Site 3 is still under construction and as such, no units have been distributed to date.

Sen. Mark: Madam President, could the hon. Minister indicate when the construction of this particular housing development project is expected to be completed?

Hon. C. Imbert: Madam President, I would have been happy to answer that question if it had been asked. I was asked about distribution of units for a site that is incomplete. I will provide the information once the question is posed in the established manner.

Sen. Mark: Madam President, could the hon. Minister indicate how many units are expected to be established at this Malabar Site 3 Housing Development project?

Hon. C. Imbert: Again, Madam President, I will be happy to provide that

information if the question is posed in the proper manner.

Sen. Mark: Your record stuck? Could I ask, through the hon. President, whether the Minister could indicate to us the name of the contractor that has been recruited for this particular site development, Madam President?

Madam President: Sen. Mark, that question does not arise. You have one more supplementary on this question.

Sen. Mark: Could the hon. Minister share with this honourable House whether it is the intention of the Government to have this housing project completed within the shortest possible time frame?

Madam President: Sen. Mark, that question also does not arise. Next question, Sen. Mark.

HDC East Grove Development (Details of)

87. Sen. Wade Mark asked the hon. Minister Housing and Urban Development:

Can the Minister indicate the following:

- i. whether the HDC East Grove Development, Southern Main Road, St. Augustine has been approved by Parliament;
- ii. whether the Ministry has carried out a recent survey of that area and if yes, when was it done; and
- iii. when were the survey and its corresponding report with proposals for additions to the plan submitted to Parliament?

The Acting Prime Minister, Minister of Finance and Acting Minister of Housing and Urban Development (Hon. Colm Imbert): Thank you, Madam President. The East Grove Housing Development at the Southern Main Road in Curepe does not require the approval of Parliament.

The National Physical Development Plan 1984, however, did receive the

approval of Parliament. This plan guides the development of all land in Trinidad and Tobago.

The Town and Country Planning, through its land use policies and approval process, considers whether a proposal, for example, the East Grove Housing Development, is consistent with the approved National Physical Development Plan and current land use policy for any area in question. Under the Town and Country Planning Act, Chap. 35:01, the Minister responsible for town and country planning can amend the land use policy for an area.

Outline planning permission was accordingly granted to the East Grove Housing Development proposal on October 12, 2017. No recent survey was undertaken by the Ministry of Housing and Urban Development for the East Grove Housing Development at Southern Main Road, Curepe.

Sen. Mark: Madam President, could the hon. Minister of Housing and Urban Development indicate to us whether the Minister of Planning and Development can alter the National Physical Development Plan and grant approval of same for housing, without the expressed approval of the Parliament?

Hon. C. Imbert: Thank you, Madam President. As I indicated in the body of the answer, under the Town and Country Planning Act, Chap. 35:01, the Minister responsible for town and country planning can amend the land use policy for any area.

Sen. Mark: Can the Minister of Planning and Development amend this policy without reference to the Parliament, which was initially responsible for its approval? That is, the National Physical Development Plan. Can that be done?

Madam President: Sen, Mark, did you not just ask that question?

Sen. Mark: Well, he has not given me a proper answer. That is why I am asking it again.

Madam President: Okay. So, can you now ask a third question then, Sen. Mark?

Sen. Mark: Madam President, may I ask why a recent, or why a survey on this particular property or piece of land at St. Augustine, where the Government intends to erect housing for political purposes—can the Minister indicate to us why a survey was not conducted, Madam President?

Hon. C. Imbert: Thank you, Madam President. At no time did I say that a survey was not conducted. I said no recent survey was conducted.

Sen. Mark: Could the hon. Minister indicate to this House when was the last time a survey was conducted on this particular site, Madam President?

Hon. C. Imbert: Thank you, Madam President. I do not have those details, but I have seen the survey plan and I will obtain the information and provide it to the hon. Senator, once you pose a question in the established manner.

Madam President: Next question, Sen. Mark.

**SSA Air Division
(Delay in Payment of Salaries)**

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

Given reports of the three-month delay in the payment of salaries to pilots attached to the Air Division of the Strategic Services Agency, and the resulting sick-out action, can the Minister inform this Senate of the measures being put in place to avoid the recurrence of a similar situation?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam President. Madam President, the information received from the Strategic Services Agency indicates that there were delays of reimbursement to the National Helicopter Services Limited for payment of salaries to employees of the Air Division of the SSA for August and September 2017. The SSA has also indicated that said payments were made in November and December, 2017, respectively.

Further, the salaries of the Air Division of SSA pilots are current as at March 2018. Additionally, Madam President, to ensure that pilots are paid in a timely manner, the SSA has expressed its dedication to continually ensure that invoices are submitted on time, in order to process timely payments to NHSL.

Sen. Mark: Madam President, could the Minister indicate to this honourable Senate whether any dislocation resulted from this lack of timely payment in the period mentioned, August and September of 2017, in terms of the work of these pilots, as it relates to national security?

Hon. Maj. Gen. E. Dillon: Madam President, I am not too sure what Sen. Mark means by dislocation. I do not know if he wants to amplify that, please.

Sen. Mark: Could the hon. Minister indicate whether, as a result of the action taken by the pilots, whether it resulted in any untoward developments at the level of the operations of these helicopters for national security purposes?

Hon. Maj. Gen. E. Dillon: Madam President, no.

Sen. Mark: Could the hon. Minister indicate, Madam President, what were the factors that would have led to the delay, Madam President, in the payment of salaries for the months of August and September of 2017?

Hon. Maj. Gen. E. Dillon: Madam President, I thought I answered that in part when I said the timeliness of invoices and SSA has made a dedicated response to ensure that invoices are submitted on time.

Sen. Mark: That is what he said, and that is why I ask the question, because I realize it was in part. Could you give this Senate a full account as to why this development occurred in that period that led to the action taken by the pilots? Could you give us a full account of that?

Madam President: Sen. Mark, the Minister has answered that. You have another question that you need to ask?

Sen. Mark: Well, I just simply wish to ask—

Madam President: No, no. Just ask the question.

Sen. Mark: But “yuh not giving meh ah chance tuh ask. Ah want tuh ask.” May I ask the hon. Minister of National Security, how can we, in the future, avoid this kind of development, as it relates to that experience that we had in August and September? What steps, in other words, would be taken to avoid this in the future?

Madam President: Sen. Mark, that question has been asked and answered. Next question, Sen. Obika.

Dialysis Centres (Details of)

115. Sen. Taharqa Obika asked the hon. Minister of Health:

Can the Minister inform the Senate of the following:

- i. the number of dialysis centres currently being utilized by Government; and
- ii. the total cost of dialysis services paid for by the Ministry over the period September 2015 to February 2018?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, 18 approved private health care providers are being utilized in the provision of dialysis services. That is in answer to (i).

In answer to (ii), the total cost of dialysis services paid for by the Ministry, over the period September 2015 to February 2018, is \$170,691,658.

Sen. Obika: Thank you, Madam President. Could the hon. Minister indicate, placate the fears of persons where there are reports of some “half a dozen-odd” dialysis centres that are struggling to remain open, due to lack of timeliness of payment, and honouring of invoices by the Government?

Madam President: That question does not arise. Next question, Sen. Obika.

Sen. Ramdeen: Madam President, through you to the hon. Minister. Minister, what steps are being taken by the Government to provide this dialysis service through the public health care system, instead of utilizing private centres to the extent of the funds that you have indicated have been paid since September of 2015?

Madam President: That question also does not arise, Sen. Ramdeen. Next question, Sen. Obika.

National Energy Skills Centre (Closure of Campus)

116. Sen. Taharqa Obika asked the hon. Minister of Education:

Given the critical role of the National Energy Skills Centre (NESC) in skills development and the active involvement of the Point Fortin community in the energy sector, can the Minister indicate the reasons why the NESC Campus in that community has been closed?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam President. In September 2017, the NESC consolidated its courses at locations across Trinidad and Tobago, in response to the demand of the public and the needs of industry, in particular the energy sector. This was not a move to downsize the organization; instead, the actions implemented are in keeping with the strategic direction of the NESC to establish specialized training institutes.

The Point Fortin location has served its purpose, as the demand for the courses offered has fallen significantly and industry has indicated to us the need for a journeyman professional tradesman over a semi-skilled worker.

Interested applicants in the area of Point Fortin want to be part of a campus that has both the facilities and atmosphere of a tertiary institution, such as the campuses at Point Lisas, Ste. Madeleine and La Brea, which are easily accessible and have the available capacity to accommodate these students.

Students of the Point Fortin campus were redirected to the La Brea Campus. As a result, there will not be a negative impact on skills development needed for industrial advancement. There is a low demand for programmes at the Point Fortin Campus. Although the campus has a capacity of 96 students, only 29 applications were received and, Madam President, only one student registered for the academic year 2017/2018.

Additionally, the registration at the Point Fortin campus, has been declining over the last three years, from 166 in 2015/2016 to 56 in 2016/2017, and one in 2017/2018.

2.00 p.m.

NESC has served the Point Fortin community for some 20 years with different generations trained over that period. We hold to our responsibility to provide the relevant education and training to all interested members of the public as it is in keeping with our mandate, and in an environment that is conducive to their personal developments. The closure of the Point Fortin campus is simply a relocation to where the training occurs, from a smaller restricted centre to a larger campus. Thank you.

Madam President: Sen. Obika.

Sen. Obika: Thank you, Madam President. Could the Minister indicate, given the 20 years that the NESC has served Point Fortin, if it would not have been some issues regarding the competence of the staff in Point Fortin to promote the programmes of the NESC over the last three years which resulted in the decline?

Hon. A. Garcia: Madam President, the information that is before me that I got from NESC does not include competence or incompetence, it is simply a statement of fact, and the fact is that in the academic year 2017/2018, only one person applied and therefore, the question of competence or incompetence does not arise.

Thank you.

Madam President: Sen. Obika.

Sen. Obika: Thank you, Madam President. Could the hon. Minister indicate whether it is a question of lack of resources given to the NESC in Point Fortin by the Government which resulted in this drastic decline after having served Point Fortin for 20 years?

Madam President: Sen. Obika, that question does not arise. Next question.

Sen. Obika: Could the hon. Minister indicate how many students from Point Fortin are currently in the NESC programmes in Vessigny and in Point Lisas?

Hon. A. Garcia: Madam President, I simply cannot answer that question at this juncture. I do not have that information.

Madam President: Sen. Obika.

Sen. Obika: Madam President, in light of the fact that the Palo Seco and the Moruga campuses have closed and in fact, there are persons from the NESC who have reported that the campus in Vessigny has been narrowed in its specification of courses, could the hon. Minister indicate if any support for transportation costs, which could range from \$800 to \$1,200 per month, for persons from Point Fortin to attend classes in Point Lisas?

Madam President: Sen. Obika, Sen. Obika, have a seat, please. Are you debating or are you asking a supplementary question which must be focused to the Minister? You decide. Just put a simple question to the Minister please and not be debating all that you are saying. Okay?

Sen. Obika: Thank you, Madam President. Could the hon. Minister indicate if any financial support for transportation would be provided for the Point Fortin students given the dislocation?

Hon. A. Garcia: Madam President, again, that question does not arise. One

person applied. One person. So the question about transportation support simply does not arise. Thank you.

Madam President: Next question, Sen. Obika.

**Restructuring of Petrotrin
(Details of)**

117. Sen. Taharqa Obika asked the hon. Minister of Energy and Energy Industries:

Having regard to the proposed restructuring of Petrotrin, can the Minister indicate if external consultants have been contracted to oversee the restructuring of the state owned company?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. In August 2017, the Government agreed to the reconstitution to the board of directors and to the appointment as advisors to the board, persons with specialist skills and knowledge in the oil and gas industry. The board of directors was given a mandate to govern and manage the company as a competitive business and as a sustainable, profitable entity.

In the process of the execution of its mandate, the board had to contend with the resignation of Petrotrin's President, the Vice-President of Human Resources, Exploration and Production, Refining and Marketing and the Senior Manager, Strategy and Business Development. This created a void in the management of the organization. The board is currently in the process of identifying and recruiting suitable persons to fill these managerial positions.

In the interim, to ensure continuity in the management of the organization and the plans of its viability, Government agreed to the appointment, in an executive capacity, of members of the board and advisors with the requisite skills and experience to hold the position of Head of Refining and Marketing, Head of

Finance and Head of Exploration and Production, Health Safety and the Environment. These appointments are for a period not exceeding six months.

The board and management are responsible for the conduct of the restructuring of the organization. However, the board of directors has engaged external consultants with specific industry expertise and experience to advise the board on the strategic issues related to the achievement of its mandate.

Madam President: Sen. Obika.

Sen. Obika: Thank you, Madam President. Could the hon. Minister indicate to this honourable House who are these external consultants?

Sen. The Hon. F. Khan: As I said, the external consultants with specific industry expertise to advise the board on the strategic issues, not to implement any restructuring. However, two of the world's most renowned internationally-known consultants, the company of Solomon Associates and the company of McKinsey have been recruited by Petrotrin to advise on these strategic matters.

Madam President: Sen. Obika.

Sen. Obika: Thank you, Madam President. Given that we now understand that there are consultants, could the hon. Minister indicate if there is any budgetary allocation for them or what would be the specific cost regarding their engagement?

Sen. The Hon. F. Khan: I do not have with me the specific cost of these arrangements but I can easily find that out from Petrotrin.

Madam President: Sen. Mark.

Sen. Mark: Could the hon. Minister indicate, Madam President, for what period of time would these external consultants be engaged?

Sen. The Hon. F. Khan: It is not a time charter so to speak, it is not a time-based contract. They have been recruited to provide advice, they have done several strategic studies benchmarking the companies against the international

benchmarking specifications, and these reports have been submitted to Petrotrin management and they are using that as the guideline in their restructuring process. And these companies, periodically, supply support in these initiatives.

Sen. Mark: The three personnel that the hon. Minister referred to who left or retired from the organization, can the Minister indicate, Madam President, whether these persons were constructively dismissed by the board of Petrotrin?

Sen. The Hon. F. Khan: The answer to that is no. There was a mutual understanding for the cessation of the employment of these three senior managers. They left on mutually agreeable terms and it was felt that they wanted to give the board a free hand in putting in place a new management.

**PARLIAMENTARY AUTONOMY
(INTRODUCTION OF LEGISLATION)**

[Third Day]

Order read for resuming adjourned debate on question [March 06, 2018]:

Be it resolved that the Senate call on the Government to introduce legislation by April 30, 2018 to give effect to parliamentary autonomy and that this legislation be immediately referred to a Joint Select Committee of Parliament for early consideration and report. [*Sen. W. Mark*]

Question again proposed.

Madam President: Hon. Senators, over the course of Tuesday, March the 6th, 2018 and Tuesday, March the 27th, 2018, some 14 Members have already spoken, including the mover of the Motion. Minister of Agriculture, Land and Fisheries.

Sen. Rambharat: Madam President, I am pleased to join the debate on this Motion.

Madam President: Just one second, Minister. Sen. Obika.

Sen. Obika: Madam President, I was of the understanding that I had some time

remaining on my contribution. I apologize for—

Madam President: Sen. Obika, my apologies, you have 23 minutes.

Sen. T. Obika: Thank you, Madam President. We are most gracious and I am always happy to make my contribution given that it is really few people who have the opportunity to do so in the Parliament of this great Republic of Trinidad and Tobago.

I would like to start this second half, as it were, of my contribution with the concept of the Latimer principles and I would like to read from the Commonwealth's website, if I may be allowed to do so:

“The Commonwealth (Latimer House) Principles govern issues such as the harmonious balancing of power and the interaction between parliament, the executive and the judiciary in democratic societies. They set out in detail the consensus arrived at by the representatives of the three branches of government in the Commonwealth on how each of their national institutions should interrelate in the exercise of their institutional responsibility. The Principles specify restraint in the exercise of power within their respective constitutional spheres so that the legitimate discharge of constitutional functions by other institutions are not encroached on.”

The separation of powers principle, Madam President.

And if I may look to another document, building on that trend, it is a Paper delivered by the Speaker to the Gauteng Provincial Legislature, the Republic of South Africa, Hon. Lindiwe Maseko, 15th to 19th September, 2013. So the paper is regards the “Financial Independence as a Means Towards Effective Oversight”. And at the beginning of my contribution, at the last Private Members’ Motion sitting, I alluded to a saying that we have in Trinidad and Tobago and as well globally: who pays the piper calls the tune. And where the Parliament is

concerned, the notion of autonomy rings true and is in sync, in harmony, with that saying, and this paper begins by saying:

“The Constitutional division of powers between the three arms of the state is the base for striving towards a strong and an independent parliament.”

Now, the division of powers, really and truly, is a concept that I am sure will not be lost on Members on the other side and I am sure, Members on the Independent Bench, and it is really a tenet that strikes at the core of what we are doing here, democracy. And given that we are to be guided by the principles that were set down at Latimer House, we really must appreciate that importance.

I want to go to a local example of fiscal federalism. Now, fiscal federalism rests on the concept that moneys of the State is best administered at the local levels rather than the centralized level of the State. What does that mean for the layperson listening? Persons recognize the importance of local government in the delivery of social services and localized infrastructure such as box drains, secondary roads, et cetera, and the concept of fiscal federalism is whilst we are not saying we want a “political federation” within Trinidad and Tobago, we may benefit from a fiscal-type of federated state. So the State is federated only along the lines of generation of revenue and allocation of some aspects of the revenue. Central Government still has a major role to play in setting the pace and in also spending the majority of the Government’s budget and taking charge of most of the Government’s debt. However, some level of devolution can happen at that level.

Now, how is that linked to parliamentary autonomy? All of that, Madam President, forms part of the story of the separation of powers. If at the level of the Parliament, there is autonomy, then it becomes much more “pa-lat-ah-ble”. I am looking for the pronunciation that would please the hon. Minister of Trade.

[*Crosstalk*] I think it would not be possible for me. But that would be palatable to all the Members of Parliament. So for example, if the Government sees it fit to have the Parliament be autonomous regarding its financial independence, then it becomes easier now for each and every elected Member of Parliament, Madam President, to have some portion of the fiscal allocation, that is the Appropriation Bill.

I would like to read this short part of my contribution as I have not committed it to memory, if I may, Madam President? So, even though we may not have a federal state in Trinidad and Tobago, legislating pre-determined ranges for spending at local levels and at the Parliament will give officers, in those bodies, the ability to engage in long-range planning which will redound to the benefit of our nation.

Madam President, under the leadership of Kamla Persad-Bissessar, a proposal was being advanced to empower Members of Parliament with a 10-million-dollar-sum annually. I believe that proposal is very relevant today. It is very relevant today as we are speaking on the concept and on the principles of parliamentary autonomy and the devolution of powers of the State and the overall concept of fiscal federalism. And I believe this will be a move toward fiscal federalism. This measure will strengthen our democracy and improve the quality of representation at the level of the House of Representatives.

Why do I say so? For example, electors in each constituency will see a direct link between their decision at the ballot and the services that their particular MP will be able to deliver whether or not that MP is in Government, in Opposition or is an independent MP. It would then make necessary the call for enactment of the rights to recall, because if you have an elected official who has access to the

coffers of the State and they are not fulfilling their functions in the role that the people require, then the people should also have the right to recall them before their time is up within some constitutional arrangement.

Now, Madam President, what does all of this mean? That is the ideal. The end result may not be the low-hanging fruit. So what we need to do today is recognize where we are at and take steps gradually, if not in haste, at least take gradual steps towards that eventual outcome, which would really make the electoral system meaningful to each and every citizen, especially the younger and more dynamic-oriented voters who really are not necessarily in tune to the methods employed in the past which really, I beg to submit, are steeped in a bygone era. We need to bring forward our system of democracy into the new age; what is best for Trinidad and Tobago should be what determines what actions we take.

I want to continue citing from this document from the South African Parliament in question that I cited earlier:

“The implicit thesis of this brief is that the process whereby parliament is subject to the same process as government departments is inconsistent with its status as an independent arm of the state. In this regard, there are useful models which parliaments can draw from, where parliaments exercise full autonomy over their financial allocations.”

So, Madam President, we are here and in this House, we decide on law. We decide, essentially, what would be the framework or the ring-fencing, as we like to say in some private sector organizations, for the public servants to do their work and the statutory and state bodies to function. We also provide a check and balance on the Executive. However, it is not consistent for the Executive to be determining the budget of the Parliament on its own. It should be a system of

collaboration. Yes, the Executive is very important. They represent the party that would have received the mandate from the people, however, when it comes to systems of checks and balances, the Parliament must be unfettered.

So the paper continues to speak to parliamentary autonomy and financial independence and that section begins by stating that:

“The bedrock of parliamentary autonomy hinges on financial independence. Autonomy in this context is simply defined as non-dependence and non-subordination of Parliaments in relation to the Executive...”

A concept that I believe I just outlined.

“As such, parliaments by Constitutional arrangements are supposed to have enough financial muscle to carry out their legislative mandate, including exercising power over the budget.”

Now, Madam President, the principle of autonomy in practice, essentially, looks at three areas: control over staffing, control over its own budget and organization of its own business. Again, I remind persons of my initial reference to the old adage: who pays the piper calls the tune. It is not sufficient for Parliament to say that they are deciding their own staffing and that they are organizing its own business when, in effect, they are not in control of its own budget. So therefore, it is only after its allocation has been given to it or granted by the Executive, then they would now see how they can rationalize their order of business and the staffing requirements. This is an unacceptable situation. It is untenable. We know it is and I appreciate that that is why we are here having this discussion today.

Now, Madam President, the last point I want to take from this Paper—well second to last point, actually the last point—is the establishment of the all-important budget office and I am sure Members of the Independent Bench would

really appreciate this part of it. For example, if you are an Independent Senator—I do not have to go further but I will only make reference to the contribution made by the leader of the Independent Bench, Dr. Mahabir, where he looked at—
[Interruption]

Hon. Senators: The Coordinator.

Sen. T. Obika: The Coordinator of the Independent Bench. Sorry, yes, because they are independent, there is no lead. My apologies. So the Coordinator of the Independent Bench, Dr. Mahabir, when he—*[Crosstalk]* Yes. *[Laughter]* I am being reminded by the head of Government business, the hon. Minister, that there is no head.

So, Madam President, the budget office provides the technical support that will be essential in an objective manner. Now, again, that support can only be objective if the process for deciding who are the staff is an independent one and autonomous of all other arms of the State, and they are in control of their own budgetary situations, given the confines of the Government revenue. Of course, that would be done in collaboration with the Executive. So I would like to read this aspect to put it on the *Hansard* because they give some main functions of the parliamentary budgetary office and as well as a synopsis of it.

So the legislator is in the process of establishing a—sorry, my apologies, Madam President.

“The establishment of the parliamentary budget office will allow...” —for the building of—“capacity for...”—the Members of Parliament—“on budgetary and economic issues.”

So, in essence, it will strengthen the quality of all the contributions to matters of a financial nature. And the main functions of the parliamentary budgetary office will

include and I believe there are nine points. The first being:

- “• Providing economic forecast that originate independently of the executive branch, interrogating underlying assumptions and attendant risk
- Making baseline estimates of revenues laws, as well as debt and structural deficit projections”

The other:

- “• Examination in detail”

This point is very critical, Madam President, because one may have their own perspective on a critical issue but to represent, truly represent what we are doing here to enlighten the public, to distil all angles of a story and to really educate ourselves as peers, the examination in detail is important and it underscores the need for highly technical and diverse staff in the employ of the Parliament.

It continues:

- “• Presentation of various options for the budget including spending increases, tax cuts and increases, and suggested implications of broad policy choices”

For example, we all know of the importance of tertiary education and tech/voc training. If, for example, in a budget, you see a cut or an increase in a particular line item, the parliamentary budgetary office should be able to objectively outline what would be the negative fallout and also the positive attributes of each fiscal measure and each line item of expenditure. So therefore, we can, as a country, rationalize what would be the necessary actions to remedy any fallout and what would be the actions to bolster any gains that may arise.

The fifth point is:

- “• Scrutinizing proposals for new programmes and costing of new legislation, as well as policy briefs for the new programmes”

I do not need to highlight how important it is to get pre-reading for any budget.

Then:

- “• Monitoring and evaluation, Oversight and Accountability”

I believe this is the seventh point:

- “• Long term financial sustainability analyses”

Coming from the financial sector, economics and business training and development, Madam President, I believe this aspect is important in Trinidad and Tobago. I want to divert a little bit to bring this point which is linked to parliamentary autonomy, which is long-range planning. Because in this society, we are a young nation but our civilization in the Caribbean is centuries old. Our experiences run along those centuries. We may not have been in control of our system of governance for the majority of that time but we can glean lessons from that and we can understand that when the colonizers brought many of us here, they were engaging in long-range planning. Therefore, if we, as a society, are to punch above our weight, as we claim we do, in the future, we need to engage in long-range planning.

However, if the Parliament, Madam President, is confined to looking to see who would be in Government, trying to determine how exactly their budget would be cut, examining the mood of the Minister of Finance to determine if he or she may slash aspects of their spending, then really what we are engaging in is reactionary planning and that should never be the case going forward. We admit it has been a feature of our past but that should not be the case going forward.

Because really and truly, what is preventing our Parliament from planning for 50 years, for 150 years, to seeing where our society will be at that time?

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

Sen. T. Obika: Thank you very much, Madam President. To see where our society will be at that time and trying to bring some level of common ground for all politicians, all stakeholders, benefiting from the repository of information that we have in the JSCs and in the library, et cetera, so that we can really see how our civilization, as a country, can evolve for the benefit of the citizens of Trinidad and Tobago, the Caribbean region and humanity as a whole.

2.30 p.m.

Because there may be some other societies, as the research has shown there are many countries where the Parliament is not autonomous and therefore they may suffer from the same fate of the inability to engage in long range planning, especially when the key office holders have to be concerned with their jobs each time there is an election or change in a Minister, et cetera. Now, once that can happen Trinidad and Tobago can be a shining light on the role of the Parliament and the electoral system in the world.

The last two points that this document points to is the analyses of cost of regulations, for example, to the private sector. We debate many Bills here, the finance Bill, for example, will bring measures such as the changes to the rate on the green fund and the business levy and when you look at the increases to those two taxes, if you may call them that, to the government, is the bottom line of a company where they may pay 30 per cent of their profits. When you add the green fund and the business levy they may pay as much 45 per cent, in some cases 48 per cent, 50 per cent; it depends on their spread and it depends on their net income

ratio to sales.

So, it is important that—because for example if an Independent, or a Government, or a Senator on our side has the benefit of this expert opinion which may provide a different view from what we already possess, we may be able to think twice on a measure or two. And the last point is the capacity building of the legislative financial oversight.

So, Madam President, as I wrap up, the points are, who pays the piper calls the tune. We want the Parliament to determine its own, by having autonomy, financial autonomy, have a parliamentary budgetary office, so that we can project and plan long in the future for the development of our society in Trinidad and Tobago. I thank you. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): [*Desk thumping*] Thank you, Madam President, for the second time this afternoon. I rise to speak on the Motion brought by Sen. Mark relating to this issue of parliamentary autonomy.

Madam President, I want to open by saying that, I want to make four points on the Motion itself. And the first thing I want to say is, that the Motion itself is rooted in an inaccurate record of the Joint Select Committee Report of 2015 and it is vital that we understand that.

The second thing I want to say is that the Motion ignores several aspects of the Joint Select Committee's work and those gaps ought to be dealt with.

And the third point I want to make on the Motion is that the Motion omits reference to a series of activities and documents from the period 1997 to 2015, particularly the 2010—2015 period which I believe are vital to the consideration of the matter of parliamentary autonomy.

Ultimately, Madam President, I will close by submitting four things which is to say that valuable ground has already been laid on the issue of parliamentary autonomy. It is vital that the Parliament completes the work set in train in 1997 and identified in the JSC's report of 2015. It is critical that in laying a Bill before the Parliament, if it is determined that that is the way to go, that the bill represents the body of work that has been done and the Bill is truly capable of achieving the objective of parliamentary autonomy. And on my final submission, I would say in my view there is more work to be done.

Let me go, Madam President, just quickly to say that the gap as I have identified in the Motion, is the valuable work that has gone on from 1997 to 2015. And we were all provided with an information brief on the issue of parliamentary autonomy from May 2017. And that brief very concisely traces the period 1997 to 2015 and I feel that it is very important that we treat with that in dealing with the issue. And the brief sets out that in 1997 the report of the House Committee, as the first step:

“In 1997, a Report of the House Committee of the House of Representatives identified a need for organizational change for the Parliament...”having regard to the fact that the Parliament had remained relatively—“unaltered since 1962.”

Secondly:

“In 2000 a Working Paper of the Law Commission on the reform of the management structure of the Parliament was laid before both Houses of Parliament...”

Thereafter, after deliberations a Joint Select Committee laid its report in 2000. Thereafter:

“Parliament adopted both the”—work of the—“Law Commission Working Paper and the recommendations of the”—Joint Select Committee, out of which the Parliamentary Service Act was produced—“Parliamentary Service Act 2001 and a Constitution (Amendment) Act, 2001.”—were produced.

And went through a period of inactivity following the dissolution of the Parliament in 2001 and thankfully things picked back up, not in 2014, with the Parliamentary Service Authority Bill 2014, being laid, but there were some intervening activities that I will report on, leading up to the laying of that Bill. And when that Bill was laid in 2014, a decision was taken to refer the Bill to a Joint Select Committee of the Parliament, and that Joint Select Committee, I will also refer to the work of that Joint Select Committee, and as a final stage, in this term of the Parliament, the Motion before us is what brings us to this discussion.

So that, from 1997 to 2001, there was some activity, including a Joint Select Committee Report, a Bill that was drafted, and two Bills in fact, one dealing specifically with changes to the Parliament, and more importantly, one dealing with an amendment required in the Constitution. And then when things picked back up, we had most importantly, a Bill being laid in 2015 and a Joint Select Committee report being tendered.

And Madam President, the Motion refers, in my first submission that, I believe that the Motion is rooted in an inaccurate report on the Joint Select Committee Report of 2015. I just want to say, in terms of the work of the Joint Select Committee as reflected in the Joint Select Committee’s Report tendered at the Fifth Session of the Tenth Parliament. And I want to go straight to the reference in the Motion, because the Motion says, that the Joint Select Committee:

“...Whereas the Joint Select Committee agreed that parliamentary autonomy is essential to the recalibration of the existing relationship between the Executive and the Legislature;”

Well, the Joint Select Committee, did not get to the point of agreement, and there were reasons why they did not get to the point of agreement.

In the report of the Joint Select Committee, the Joint Select Committee in the normal structure of a report, sets out the membership, the chairmanship of the Committee, sets out the meetings and the work of the Committee, and then goes into a section which is captioned “Observations”, and on page 4 of the report, under the rubric “Observations”, appears a sub-heading, “Autonomy in Financial and Administrative Arrangements of Parliament”, and the Committee reports, and I will read it, and I quote:

“Changes to the arrangements where executive branches oversee essential resource administration requirements arrangements are required for parliaments to fulfill its constitutional purpose. Practical considerations include the desirability of change, the detailed form of proposed changes and the assumption of responsible stewardship on the part of Parliament for matters that were previously the responsibility of the executive government.”

So, this was, Madam President—and I submit, this was an observation of the Joint Select Committee, it was not an agreement of the Joint Select Committee, it is was an observation. But it was an important observation that requires our consideration because the observation points out that for further consideration you would need a number of things to take place and you would need to have a consideration of a number of things, including “the detailed form of the proposed

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changes and the assumption of responsible stewardship on the part of Parliament for matters that were previously the responsibility of the executive government.”

So this is not merely an attempt to give the Parliament financial autonomy by giving it control over its own budget allocation and control over the spending, and this is not merely shifting the Parliament from, you know, the staffing arrangements, in terms of allowing the Parliament the autonomy to staff the Parliament. There are more fundamental changes to take place regarding the separation of powers if we are to achieve the autonomy. And, I think that the Joint Select Committee recognized that there was further work to be done; that it was possible to achieve certain things, but it required the more fundamental changes which were required; there was more to be done and it was not just the laying of the Bill. And I suppose that that is why, Madam President, in the previous years the attempts to move the issue of parliamentary autonomy either slowed down or stopped, on account of having to confront some of the fundamental changes that were required.

So, my first submission is that we have to reflect correctly what were the observations of the Joint Select Committee and what were the agreements. And in relation to this issue of the recalibration again, under the rubric “Parliamentary Autonomy”, in specific reference to that part of Sen. Mark’s Motion, the committee reports as follows:

“Parliamentary autonomy should be viewed...solely”—sorry, Madam President—

“Parliamentary autonomy should be viewed not solely in terms of separation, but rather as a recalibration of the existing relationship between the executive and the legislature based on an underlying evolution in

parliament and state maturity. Basic requirements for parliamentary autonomy include the following:”

And then the report sets out some of the basic requirements for parliamentary autonomy, again not agreeing but making an observation that these are the things that are required as we move towards parliamentary autonomy and I say it is not merely the laying of a Bill. And ultimately on that JSC report, Madam President, on the final page, page 6 under the heading “Recommendations” this is the recommendation, there was one recommendation of the Committee and I quote:

“Your Committee recommends that the Parliament take note of the progress made by the Committee thus far, including the adoption of the policy on Parliamentary Autonomy. It is the hope of the Committee that the matter of the Financial and Administrative Autonomy of the Parliament will be considered in the Eleventh Parliament and that the extensive work done to date, and the Preliminary Report on Appropriate Recommendations on Parliamentary Autonomy in Trinidad and Tobago would provide the foundation for the continuation of efforts to restructure the management of parliament’s administration.”

So the report, Madam President, the Joint Select Committee, chaired by my friend Sen. Mark, himself, actually acknowledged that we had come to a certain point in the discussion. The work that had gone before ought to be saved and carried forward, but it also recognized that this was not merely the laying of a Bill but this required a fulsome consideration by the Parliament of this issue of parliamentary autonomy.

And, Madam President, I want to make this point, because I would now go

into some of the documents that have supported this work. And I want to make one very important point which runs through all the documentation on parliamentary autonomy and which is something that it is not for the Parliament and Parliamentarians to confront. But it is an issue for perhaps the Salaries Review Commission, and I have addressed that previously.

But throughout the documentation, when you look, Madam President, at this week, this week for example; every week the Parliament publishes a schedule of activities, parliamentary activities for the week and when you look at this week's events, for example, there are seven Committees of the Parliament sitting this week. And that points us to the key consideration in this issue of parliamentary autonomy and that relates to the issue of; one, the status of parliamentarians in terms of full-time and part-time, and that is something that is fundamental but something that is not being addressed anywhere.

But all the reports, before we talk about the Bill, we must deal with the current situation where parliamentarians are required to divide their time between the sittings of the Lower House or the Upper House; in the case of Ministers, in many cases having to allocate time for both Houses; and in the case of all parliamentarians, to allocate time across a series of Joint Select Committees.

And, Madam President, even in this Session of the Parliament, we see not only the established committees in terms of the departmental committees and the Joint Select Committees, but we also have JSCs on special pieces of legislation. So parliamentarians have found themselves having in this Session to deal with the JSC on the Anti-Terrorism Bill, JSC on Cybercrime and other pieces of legislation that have come up in this current session.

So, fundamentally, Madam President, in terms of priority, before we get to

drafting a Bill and before we get to the point of laying a Bill, we have to confront the issue of the people who must stand in support of that Bill. Because what the latest version of the Bill, which is the 2014 version, does, what the latest version does, is that in addition to the responsibilities of a Member of the Lower House or a Senator in this House, in addition to those responsibilities, a Senator, or a Member in the form of a legislator standing here in debate, and in addition to the role of a legislator performing another function in a Joint Select Committee or a Select Committee, the Bill in the latest form calls for Members to perform the work of operating the Parliament by sitting on the Board of the Authority.

So, here we are proposing a third level of responsibility for parliamentarians without addressing the issue of hours of work and pay. And you know, we are no different from the daily-paid workers, who from time to time bargain and bring for us comparisons of workload and skills required, and expertise, and experience required and I am not here campaigning for a raise. I am not doing that. I am just saying that the issue of full-time or part-time status of parliamentarians must be addressed as a precursor to moving this issue of parliamentary autonomy along the line and we have to confront that.

I want to refer, Madam President, to this February 2012 report which came out of a European Union funded study and the report is titled “Activities on Strengthening Parliamentary Practices in Trinidad and Tobago” and the report is 70 pages long and it makes for a good reading, but I just want to go to page 7 of the report and deal with a finding of the report and I will quote from page 7 which says:

“The problem facing Trinidad and Tobago is similar to an issue facing many small country Parliaments: the membership of parliament is not large enough to

support multiple committees and the number of members who sit on the committees is limited. One option is for a mandatory minimum membership of backbenchers and executive members. Another option would be to make use of non-members in the work of committees, something which is used in other jurisdictions...”—and thereafter it goes on to say—

“Current attendance levels are quite high, but the number of meetings is low with some meetings cancelled because of quorum. The current practice is to set quorum at 5 members with rules ensuring government/opposition and House/Senate attendance. Strict and prescriptive rules can prevent business from being transacted or lead to the proceedings of a committee being suspended at any time. A quorum of 3 members could alleviate the situation.”

And that is the reality.

Madam President, in addition to Members of Parliament in both Houses having to double and triple up, and so on, and find themselves on multiple Committees, the Parliament has found itself in a challenge at this time because when you have a sitting of the Lower or this House, obviously you cannot schedule your Joint Select Committees or your other committees of the Parliament. You cannot do that; when you have Cabinet you cannot schedule on those days. So that you are limited to certain sections of the week when you can schedule.

And when you do schedule you have Members on multiple committees with competing schedules; and you have Ministers who serve on committees, who themselves may have schedules and we run into problems either when we all agree on a date when everybody could be there, or having a high attendance, or those periods when we cannot get a quorum and we therefore have little or no attendance. I If we are talking about parliamentary what the reports are saying to us

it is not merely having a system of Joint Select Committees.

Madam President, I am record here and elsewhere of saying based on my experience and my observations of Parliaments across the country, particularly Parliaments of our size, this Parliament must be the most efficient and the most active Parliament of all Parliaments I have seen and have been exposed to. And I have said it also that perhaps the most vital contribution we make in this Parliament is in the work that we do in the Joint Select Committees, whether it is the Joint Select Committees dealing with legislation, whether it is the Joint Select Committee dealing with the departmental work or the Standing Joint Select Committees dealing with specialized work.

This is the vital work and those committees are not constituted arbitrarily. I imagine that when the two Houses and the leaders put forward the membership to the Joint Select Committees they make that based on a particular level of competence or a particular expertise that ought to reside on the committee. And if we have problems of not being able to attend the committee meetings, if we have problems because of clashes and because of workload, then the quality of the committee— not only the quantity in terms of how often the committee meets, but the quality of the committee's work suffers on account of not having the expertise available at the committees.

And those are important considerations when we consider parliamentary autonomy, that it is not just the power to do the work. as we do in fact have. subject to weaknesses that I point out from time to time, but the mere ability to schedule, participate and contribute to the work is placed in a problem by not having an appropriate definition of the nature of our tenure and service and the compensation that goes with it.

I want to refer, Madam President, to another report that formed part of previous deliberations on this issue and I want to refer to it, in support of what I have said, that we have reached a particular point and the quality of this Parliament is not deficient on account of the lack of the financial autonomy or not on account of the staffing, that there is a standard in the Parliament that has been recognized by the reviews that have been done. And that is what I mean when I say I do not—the Motion ought not to start with the 2014 Bill, but must recognize the work that went into the previous years and what those reports have been saying to us.

And I will quote from this report, Madam President, report on “Oversight to the Parliament of Trinidad and Tobago” and it was work commissioned and conducted by Mc Gill University and the report examines parliamentary oversight in Trinidad and Tobago and questions why it appears not to be working as well as in other countries around the world.

And the report addressed five main areas and one was oversight, and in dealing with the issue of oversight the report found that the parliamentary committees exist and they function to provide the oversight that is required. In terms of the structure of the Parliament and the structure of the reporting and so on, the report found that it meets comparable jurisdictions. In terms of composition, it found conformity in terms of composition of the committees. But in terms of the issues of power of the parliamentary committees and access to the public and access to information, the report found that we were in need of some strengthening in those areas.

And in relation to the oversight committees, I just want to place on the record what the report says at page 14, and it says:

“In short, Trinidad and Tobago’s oversight committees would seem to

have... stronger powers and greater access than..."—other oversight committees—"elsewhere, both globally and in the Caribbean. Again, it is necessary to look elsewhere to determine why committee oversight is weaker in Trinidad and Tobago;..."

So, while we may have the committees and we may seem to have stronger committees and stronger powers, in some cases, there are still weaknesses. And the report goes on to identify some of the weaknesses and essentially it has to do with frequency of meetings, the attendance at the meetings, and the gaps between meetings which sometimes weaken the work of the committees.

And at page 18, the report says:

"What factors determine committee productivity..."—based on the—"number of reports issues."—and it says—"One factor is the number of staff supporting the committee—but here Trinidad and Tobago's committees are relatively well served."

So the committees are well served.

"Another factor may be that committee members in Trinidad and Tobago, in contrast to most parliaments around the world, are part-time and the number of meetings and inquires they hold...take so much of their time, they simply do not have the time to produce the reports."

So it is not just the number of meetings and the frequency of meetings, even after you find that you have met, the issue of producing the reports seem to be an area where there is deficiency.

3.00 p.m.

And, on page 19, the report confronts the issue of full-time versus part-time Parliaments and it says:

“There has been no global research on possible advantages and disadvantages of part-time vs full-time parliaments—Trinidad and Tobago has one of few national parliaments in the world whose members are not full-time.”

And that, as I said, is an important consideration that we have to consider this issue of full-time and part-time.

Madam President, in the period 2013, the Parliament itself commissioned a strategic plan—the development of a Strategic Plan for the Parliament of the Republic of Trinidad and Tobago, 2013—2018, and that plan set out several objectives for the Parliament of Trinidad and Tobago, and there were principally four objectives, and I would just quickly go through the four objectives.

- “1. To increase the institutional capacity of the Parliament in general and of the Secretariat specifically
2. To improve the legislative process in Parliament to ensure enhanced scrutiny and quality of legislation
3. To improve the capacity of Parliament to provide effective oversight
4. To develop the outreach work of Parliament and to strengthen the representative role of MPs”

And, Madam President, wherever you see objectives and recommendations, wherever you see a report attempting to deal with the issue of strengthening, increasing access and improving, it falls to the parliamentarians to do that. It does not fall to a different arrangement. It is the parliamentarians who are doing the additional things that are required to make our Parliament more vibrant and more vital. And, as I said, it comes down to the ability of our parliamentarians to contribute the amount of hours required and the quality of work that is required.

Madam President, on those four objectives, the issue of the increase of the

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institutional capacity of Parliament, in general, and the Secretariat specifically, I want to say that that issue is at the root of parliamentary autonomy. While we may focus on the budgetary and the financial independence and the ability to control the budget, what we have all found as parliamentarians, we found two areas that make us strong or make us weak, and what we have found that has made us strong in both Houses I hear parliamentarians referring to, is the quality of the staff and support in the Parliament. And that, Madam President, if there is one thing that must be addressed—whether it is by a Bill or parliamentary autonomy or whatever—is the preservation of that specialized capacity that this Parliament—I do not know how—develops, particularly using our graduates from the University of the West Indies. [*Desk thumping*]

It must be some magic that takes place. It is like a magical kingdom that something happens in this environment, Madam President, that lifts and develops the quality and the skills and the capacity of our local university graduates to support us. But one of the issues, of course, that we find ourselves dealing with in the public sector, is the fact that having reached to a certain skill level, and having developed a certain capacity, there is no room for upward mobility in organizations, and the Parliament may be such a place.

So that, while we are very good at developing the talent and developing the capacity, the structure of the Parliament must reflect the opportunity for upward mobility and growth of the professionals who work here, and that is something that is vital to parliamentary autonomy, because if we are going to take the Parliament through the long-term, part of it has to rely on the continuity of the staff. Because even as we considered in 2014, the Parliamentary Autonomy Bill, one of the issues—clause 13 of that Bill dealt with the board for the authority, the Parliament

Authority, that will run the Parliament, and being staffed by Members of Parliament, the issue of continuity arises, and that is one of the weaknesses of that Bill.

The strength of the Parliament is based on continuity, and if we do not have the continuity amongst the parliamentarians—because certainly as Senators, as I always say, I am a daily-paid worker. I know I will get paid for today because I am at work, but I am not sure about tomorrow, and the continuity is a factor in this House in particular. In the other place you may have certain in-built protections, but here you are at the mercy—

Sen. Baptiste-Primus: Behest.

Sen. The Hon. C. Rambharat: At the behest, sorry. I used the wrong word, may I correct myself? At the behest. [*Laughter*] So the issue of the quality of staff, the permanence of the staff, the independence of the staff and the preservation of the institutional knowledge of the staff are vital issues in relation to autonomy, and whether we go by Bill or by JSCs or whatever, it is a subject that as a Parliament we ought to address frontally, and suggest to the Executive the ways in which that can be achieved.

Because, Madam President, I can assure you it is not easy to effect that. We have tried it, for example, in carving out public service functions and placing it in the hands of state enterprises. And if we use the RHA for an example, at one time it was thought that that is the model—that we create the RHAs and give them geographical responsibility—and all will be well in health care.

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat: Thank you, Madam President. But as we found out, the RHAs, all have to go to the Ministry of Health for funding, and for policy

direction and for a variety of things. So that it really never got full autonomy, particularly financial autonomy, and the ability to run their affairs. So that we want to make sure that whatever we do, we do it conscious of the fact, that the staffing forms a vital part to the success of our Parliament.

The other report I want to refer to, Madam President as I close, is the latest of them all. It is a report called Transformation for Accountability—A Forward Looking Review—interesting expression—of the Tenth Parliament of Trinidad and Tobago, 2010 to 2015 produced by the Office of the Parliament, dated June 10, 2015. And, basically, this report examined the work towards the four strategic objectives set out in the strategic plan. It looked at a number of issues that arose in the consideration of the autonomy, and also addressed the way forward.

And, Madam President, among the many things in this report—and it is a very valuable report that I think all parliamentarians should read—in terms of the work of the Parliament—and I do not know the experience of other Members, but I want to say in my own experience, I have found that these questions that are asked—whether they are Questions on Notice, Urgent Questions and Prime Minister's Questions—form a vital part of the work of the Parliament, and you do not need parliamentary autonomy to recognize that. That is a vital part, because it is an important tenet of the functions of a Parliament to ask questions and demand accountability of public officeholders. And this report on page 29 traces the use of questions and points to—and once Sen. Mark is here, I am not surprised about this—the increased number of questions—I do not know how you made out, Sen. Mark, when you were on the seat in the other place. There may have been a decrease—but points to the greater number of questions and the higher percentage of answers provided over a period of time, and it breaks down all the categories to

demonstrate that there has been increasing—not only the filing and the use of questions, but an increase in the percentage of responses to the question, and that is a vital part of democracy.

So I want to close, Madam President, by saying I am not here to criticize, but I am here to make some comments about the Motion itself, and I want to propose, Madam President, an amendment to the Motion, if I may be allowed to do. And we propose, Madam President, that the Motion be amended to read as follows:

Be it resolved that the Senate call on the Government to introduce legislation to give effect to parliamentary autonomy during the Eleventh Parliament.

In other words, Madam President, we support it.

We want to see what the Joint Select Committee of 2015, where they reached. They made observations. We have all these reports that are available to us, and we find it difficult to be confined to a date and to a particular Bill. What we are asking is that the Government be allowed the opportunity to introduce legislation to give effect to autonomy during this Eleventh Parliament. I thank you very much. [*Desk thumping*]

Madam President: Hon. Senators, the question is—this amendment is being proposed. So, the amendment as proposed by the Minister is for the Motion to read as follows:

Be it resolved that the Senate call on the Government to introduce legislation to give effect to Parliamentary autonomy in the Eleventh Parliament.

There needs to be someone to second that amendment.

Sen. Gopee-Scoon: The amendment is so seconded.

Madam President: Hon. Senators, let me go it over again for the records

properly. The amendment that is being proposed by the Minister is as follows:

To delete the last paragraph of the Motion and substitute the following:

Be it resolved that this Senate call on the Government to introduce legislation to give effect to parliamentary autonomy in the Eleventh Parliament.

Sen. Baptiste-Primus: During the Eleventh Parliament.

Madam President: To give effect to parliamentary autonomy—the word that was presented is “in the Eleventh”. During the Eleventh Parliament?

Sen. Gopee-Scoon: During.

Madam President: Thank you. And I now need someone to second that amendment.

Sen. Gopee-Scoon: I beg to second.

Madam President: Hon. Senators, the amendment to the Motion has been seconded by the Minister of Trade and Industry, and Senators now taking part in the debate can speak on the original Motion and the proposed amendment. Sen. Ramdeen. [*Desk thumping*]

Sen. Gerald Ramdeen: Thank you, Madam President, and it is indeed a privilege to join this debate on a private Motion brought by Sen. Mark in the following terms:

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

And whereas a legislative proposal entitled the Houses of Parliament Service Authority Bill, 2014 was laid in Parliament and referred to a Joint Select Committee in 2014;

And whereas the Joint Select Committee agreed that parliamentary autonomy is essential to the recalibration of the existing relationship between the Executive and the Legislature;

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

Be it resolved that the Senate call on the Government to introduce legislation by April 30, 2018 to give effect to parliamentary autonomy and that this legislation be immediately referred to a Joint Select Committee of Parliament for early consideration and report.

And the amended Motion, as seconded, seems to extend that period of time to the life of the Eleventh Parliament.

Madam President, it is not surprising that the Motion brought by Sen. Mark is one that calls for parliamentary autonomy, a principle which has been recognized throughout the Commonwealth as a pillar that strengthens the democracy of any country. And in the Minister of Agriculture, Land and Fisheries contribution, he made specific reference to the fact that perhaps the most significant work that is done by the Parliament is done by the joint select committees of the Parliament.

I would have thought that my friend, the Minister of Agriculture, Land and Fisheries, would have made reference to the fact that section 66A of the Constitution, which provides for the appointment of certain select or joint select committees of Parliament, was a provision that was inserted into the Constitution by a United National Congress regime. [*Desk thumping*] It is only because of that amendment by Act No. 29 of 1999, that we are able today to have the kind of

accountability, and the calling to account of Government Ministries, the municipal corporations, statutory authorities, enterprises owned or controlled by or on behalf of the State or which receive funding from the State of more than two-thirds of its total income, in any year, and service commissions are able to be brought before the joint select committees of Parliament, and as the Minister of Agriculture, Land and Fisheries has said, it is perhaps the most significant work that is done by the Parliament.

So it is no surprise that Sen. Mark has brought this Motion. The history of the United National Congress has always been such, that we have piloted the most significant pieces of legislation that have upheld the democracy in this country, whether it be the equal opportunity legislation, the Judicial Review Act, the Freedom of Information Act—the list goes on—and the Integrity in Public Life Act. The democracy of Trinidad and Tobago has been strengthened by the work of the United National Congress when in Government. [*Desk thumping*]

But, having listened to the many contributions that have been made to this particular debate, Madam President, I think that it is an apt opportunity for us to recognize the manner in which the Government has responded to this Motion for parliamentary autonomy and for the Senate to call upon the Government to lay legislation in support of parliamentary autonomy. For us, as a Parliament, as a Senate, and for the country, to recognize the hypocrisy of the PNM when in Government—and I will demonstrate why I say that on a matter that ought not to be very controversial.

We have sat in this Parliament in this parliamentary term for the last 30 months and pieces of legislation, one after the next, have been brought by the Government and, perhaps, the three most popular words that have been used by the

Government in answer to calls for a joint select committee by the Opposition, by the Attorney General, no lesser person, has been analysis paralysis and proportionality. So when it suits the Government, it is analysis paralysis to go to a joint select committee, but when one calls for parliamentary autonomy and for the laying of legislation that will strengthen the democracy, it is paralysis analysis on the part of the Government. So one more time, and we have sat here and listened to the Attorney General tell us we must talk more and we must consult more when they are in Government, when it is convenient to the Government.

But I think that a greater message is sent by that type of behaviour, Madam President. I think it demonstrates that the Government is preparing to come into Opposition and the Opposition is preparing to go into Government. [*Desk thumping*] Because it does not go without passing or unnoticed, that for 30 months, what this Government has done, is regurgitate legislation that had been brought to the Parliament between the period 2010 and 2015: the preliminary enquiries Bill, trial by judge alone, land title, motor vehicle and road traffic, plea discussion and plea agreement. These were all pieces of legislation that were lying in the Office of the Attorney General, that was drafted between the period 2010 and 2015, and for the last 30 months what we have gone through is an exercise of regurgitation of UNC legislation under a PNM administration. [*Desk thumping*] So I do not see why the Government is now taking the position that we must consult more and talk more and do more work.

I have sat here in this Parliament and listened to Members of the Senate say, they are prepared—no Bill is perfect—to have a piece of legislation that gets it 75 per cent correct, and they are prepared to support that kind of legislation. Well, Madam President, we have a piece of legislation that supports parliamentary

autonomy. It was a Bill sent to a joint select committee to the Houses of Parliament Service Authority Bill, 2014, and I do not understand why the Government does not want to continue with the way in which it has been governing for the past 30 months and just regurgitate it. Bring it to the Parliament and let us pass it. That has been their modus operandi for the last 30 months. I do not see that it is going to change in the next 20 that they are going to be there for.

So, I do not see there is any reason why we need to have for analysis paralysis and more talking. I think we should bring this Bill immediately. I do not think that there is any need for us to continue this consultation and this more work attitude. This Government is not doing any more work. Let us just do and copy what the UNC has done and bring it to Parliament and claim victory for it. So, this is quite an important piece of legislation, Madam President, and it is quite an important piece of legislation, because it is built upon a principle that is supposed to be a pillar of our democracy, parliamentary autonomy.

You see, Madam President, we function in a democracy that is based on a written Constitution, and when one examines the written Constitution, it is very clear that our evolutionary style of Westminster model that was given to us and transplanted to us—to use the words of a famous constitutional writer—provides for an independent Parliament in chapter IV, from sections 39 to section 66D. And I would want to submit, Madam President, that as was said by the Privy Council back in 1977 in *Hinds v The Queen*, when Lord Diplock described the Westminster Model Constitutions as having been drafted based on a separation of powers, the Motion and what Sen. Mark calls for in the Motion and what is represented by the Houses of Parliament Service Authority Bill, is simply one further step in the direction or in the path of recognizing that the Parliament, by virtue of the

expressed way in which our Constitution is drafted, ought really to be autonomous from the other arms of Government.

And much material has been produced throughout the Commonwealth about the origins of parliamentary autonomy, the benefits of parliamentary autonomy. And, Madam President, the one organization that has done a considerable amount of work that has been relied on by the Parliament in order to reach the point that we have reached, is the Commonwealth Parliamentary Association, and I think a great debt is owed to that organization by all the Commonwealth countries that have benefited from the considerable amount of work that organization has done to strengthen and call for, not only parliamentary autonomy, but the recognition of human rights and the strengthening of the rule of law in constitutional democracies throughout the Commonwealth.

And in one of the papers that was presented by the Commonwealth Parliamentary Association on the Latimer House Principles, on the three branches of Government, it was recognized that the independence of parliamentarians and Parliament itself finds its genesis in Article 9 of the Bill of Rights 1688, which provides that the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament. That was the origins of the idea of an independent Parliament, and what we know today as the Parliament that finds its rooting in our written Constitution.

But, Madam President, one has to wonder, why a Government would not want to embark immediately and support legislation that calls for parliamentary autonomy when the only aim or the principal aim that is to be achieved by the passage of any legislation in this direction, is to strengthen our democracy, uphold the rule of law and support the hallowed principles of the separation of powers. I

would like to refer to certain pieces of learning, the first of which is, a report that was done by the World Bank Institute headed: Administration and Financing of Parliament—A Study Group Report Published by the Commonwealth Parliamentary Association in 2005. I wish to quote from what that report said on the financing and administration of Parliament, dealing with the autonomous nature and the support for parliamentary autonomy. And if I can quote, Madam President, it says.

“In cases where such bodies have been established”—referring to the autonomous nature of Parliament—“there is evidence that Parliament is better able to assert its independence and ensure that adequate resources, both financial and otherwise, are made available. This, in turn, enables Parliament to discharge its functions more effectively while also allowing Members to exercise appropriate control over the prioritization of the delivery of services by the parliamentary service.”

And that brings me to a very important point, Madam President, which relates to something that has been said, both by the Members of Independent Bench and my fellow Senators on the Opposition Bench, which is the tabling of the work of the Parliament. And what you find, as we have found during the past two years and six months, is that we start each parliamentary session with a very slow turning of the wheel by the Parliament, and then when time passes and it seems to be recognized that the Parliament is not working at the pace it should work, then the whip is cracked, and we are asked to be here two and three times for the week and that cannot be. [*Desk thumping*] And, you see, that is only because the timetable of the Parliament is controlled by the administration that is in power, because they control the legislative agenda, not only in terms of the subject matter,

but they control the legislative agenda in terms of how quickly the wheels of the legislative machinery of the Parliament will turn.

3.30 p.m.

So as this Government has demonstrated time and time again, during September to January, February, March, it really is a slow pull for the Parliament, but when we come to April, May and June, and the whip is cracked, what you have is a situation where the Government has little or absolutely no consideration for the work that has to be done by all of the Members of Parliament, and therefore we are given these unreasonable demands that we are asked to meet, and I do not think that is the way it ought properly to be done, Madam President.

If we had an autonomous Parliament, we would have a fixed timetable of when the Parliament sits [*Desk thumping*] and the Government will have to fit into that fixed timetable the agenda, the legislative agenda that they wish to pass. And there is no one on the Opposition or the Independent Bench that complains about the amount of work that has to be done, but what an autonomous Parliament would do is to provide efficiency into that system, and it will cause the system to be better managed and the parliamentary work will be done in an extremely more efficient manner. [*Desk thumping*]

Now, in that said report by the Commonwealth Parliamentary Association particular attention was given to the issue of the accountability and ensuring the effectiveness and independence of the Parliament, and I want to again quote what the report says:

“Given that one of the key purposes of Parliament is to hold the executive to account, there is a compelling argument that Parliament should be able to discharge its constitutional responsibilities free from government

interference. The drive for independence should not be seen as an aggressive action, but a necessary prerequisite to good parliamentary governance. Also operational autonomy should not act as a barrier to the fostering of good relations with the executive, which is essential if legislation and public sector policies are to be fit for purpose.”

Madam President, these reports that have been produced time and time again by the Commonwealth Parliamentary Association have been acted upon by many different countries that comprise the Commonwealth of Nations. It is a recognition that it has become as the separation of powers has developed to be an essential feature of every Westminster-model style constitution, and the separation of powers is now recognized to be a pillar of parliamentary democracy. So too an autonomous parliament has become as recognized throughout the Commonwealth as being a fundamental pillar to an effective democracy that recognizes the rule of law and the protection of human rights.

“Independence in a parliamentary context is provided for at three levels:”—it is said—“institutional, financial and administrative autonomy. In countries that have written constitutions the principle of parliamentary independence is often insitutionalized in these foundation documents.”

And that is why I referred, Madam President, to the fact that we have a written Constitution that recognizes the Parliament as an independent and autonomous institution.

“However where no written constitution exists institutional autonomy and the separation of powers can be established as is the case in the U.K.

Financial control may rest with the Parliament or the executive or there can be a collaborative model where Parliament determines the budget in

consultation with the executive. When Parliament does not have financial independence...”—

And this is to note, Madam President:

“When Parliament does not have financial independence there is always the danger that the executive will be encouraged to exercise undue control over expenditure to the detriment of the parliamentary process.”

I think that strikes at the heart of what Sen. Mark is seeking to pillar and to promote in promoting this Motion—to get rid of the idea that the Government can hold a noose around the neck of the Legislature and control the Parliament in that way. It is clearly not a tenet of a properly working democracy. But that deals with the financial autonomy and financial independence:

“Administrative autonomy is about self-determination with regard to the nature and level of services to be provided to Parliament. The experience of the U.K. and other Commonwealth countries supports the view that administrative independence and accountability is best achieved through the establishment of parliamentary corporate bodies. This has been reinforced by a number of independent reviews of the effectiveness of governance structures in parliamentary settings.

In 1998”—if we want to use an example—“the U.K. government, as part of its devolution policy, established corporate bodies in the Scottish Parliament and the Northern Ireland Assembly.”

It is very interesting, Madam President, because one of these reports actually takes us through a number of the jurisdictions that comprised the Parliament. With reference to Australia, New Zealand, Fiji, India, Malawi, Uganda, Zimbabwe and South Africa, the report makes specific reference to the fact that all of these

Commonwealth nations have moved towards parliamentary autonomy. And we too during the period 2010 and 2015, Madam President, moved towards parliamentary autonomy with the laying of the Houses of Parliament Service Authority Bill, 2014, again, without apology, by a UNC administration. [*Desk thumping*]

When one looks at that Bill, Madam President, this forms a significant part of the Motion; and why I would make the submission that we should have no more analysis paralysis is because if one looks at the provisions that were set out in that Bill, and one were to go to clause 5, the objects of that Bill are set out to be in that Act:

“(a) to ensure the autonomy of and to promote the efficiency of the Parliament of Trinidad and Tobago as established by the Constitution;”

For the purposes described in (a):

“(b) to establish an independent non-partisan...Parliament Service Authority which shall be managed by a Board for the purpose of exercising and performing such duties as are conferred upon it by the Act...or any other written law, and that is efficient and effective in serving the needs of the Parliament of the Republic of Trinidad and Tobago;

(c) to provide a legal framework for the effective and fair employment, management and leadership of the employees of the Authority; and

(d) to establish rights and obligations of the employees of the Authority.”

Those are the objects of the Authority that was created by the provisions of that Act. Now, I would like to join the Minister of Agriculture, Land and Fisheries,

Sen. Rambharat, in agreeing with him. Madam President, I think that the members of staff of the Parliament are clearly the most efficient and productive members of the public service. [*Desk thumping*]

I think as Members of Parliament, this Parliament, whether it be here in the Senate or in the Lower House are really only able to achieve the work and the work product of the Parliament in the time that it has been able to achieve it, significantly and principally, because of the hard work of the staff of the Parliament of Trinidad and Tobago. Madam President, I do not know, like Sen. Rambharat has asked, what is it about the work ethic, what is it about the parliamentary staff that allows them to be so committed and dedicated to their tasks? You can call the parliamentary staff, Madam President, at six o'clock in the morning, at eight, nine o'clock at night and you will get a response. It is unlike anything that is known of in the public sector, and if the public sector were to take an example of the members of staff of the Parliament of Trinidad and Tobago, Trinidad and Tobago as a country will be, clearly, much better off than the position it finds itself in today.

Now, Madam President, I made reference to the objects of the Authority, but the Houses of Parliament Service Authority Bill also provided for the membership of the board by virtue of clause 13, and specific provision was made for the way in which the Parliament was to be financed, the financial autonomy that Sen. Mark spoke of in piloting this Motion. If you would allow me, Madam President, by clause 39 of that Bill, under Part VI of that Bill, Financial Provisions, Establishment of the Houses of Parliament Service Authority Fund. By clause 39 of that Bill there was to be established a fund to be known as the Houses of Parliament Service Authority Fund, and there shall be paid into that fund, by virtue

of subclause (2):

- “(a) such moneys as may, from time to time, be provided by Parliament;
- (b) such moneys as may be borrowed by the Authority on such terms and for such purposes as the Clerk, in consultation with the Board, may determine;
- (c) any moneys accruing to or received by the Authority from any other source.”

Subclause (3) provided:

“...there shall be paid out of the Fund all payments in respect of any expenses incurred in pursuance of the provisions of this Act...”—which provides for the working of the Parliament.

And subclause (4):

“The Authority may, with the approval of Parliament signified by resolution, establish such other funds as it may deem necessary.”

Now, my learned friend, Sen. Rambharat, the Minister of Agriculture, Land and Fisheries, made reference to the staffing issue, and I would just wish to, in reply to that, point out that by Part VII of the Houses of Parliament Service Authority Bill, 2014, clause 43, under the subheading of Staff of the Authority, the manner in which the authority may employ staff, and staff the Parliament is provided by subclauses 43(1), (2) and (3), which provides that:

“(1) The Authority may employ on such terms and conditions as it thinks fit in accordance with the provisions of this Act such staff as it considers necessary for the due efficient and economical discharge of its functions and exercise of its powers under this Act and for this purpose shall establish a classification and compensation scheme.

(2) The employees of the Authority shall be paid such remuneration and allowances and shall be employed on such terms and conditions as may from time to time...be decided by the Clerk of the House, subject to the approval of the Board.

(3) The Board must ensure that the remuneration, allowances, benefits and terms and conditions of employees of the Authority are comparable to those of public officers who perform similar duties.”

What that does, Madam President, is to put into law by virtue of this Bill, if it is passed—if it is laid or if it is pursued by the Government—the statutory underpinning to allow for the administrative autonomy of the Parliament.

Madam President, this is a matter that the Government, in my respectful submission, should not treat lightly. The functioning of the Parliament in an effective and efficient manner is the hallmark of any proper functioning democracy, and if the Government is serious and the Government wishes to strengthen our democracy, to uphold the rule of law and to recognize the pillars of our independence, then with haste the Government should lay this Bill and let it have the consideration of the Parliament.

But the amendment that has been proposed by Sen. Rambharat, the hon. Minister of Agriculture, Land and Fisheries, seems to take the timeline to the end of this Government's term. It is not much time left and I do not know if it will allow for the Government to complete what this amendment by Sen. Rambharat seeks to do. Because, Madam President, any administration that controls the corridors of power in our democracy ought to do all that it can within its power to ensure that the Parliament remains independent and untainted by any actions of the Executive. The Constitution and the laws that we make pursuant to section 54 of

the Constitution should ensure that the Parliament remains independent, and any opportunity that there is for the Executive to exercise any kind of control, financial, administrative or otherwise on the Parliament should be something that any administration in power should seek to get rid of.

You see, Madam President, while we applaud the fact that the Joint Select Committees of Parliament have made a significant inroad in terms of ensuring accountability, transparency and good governance throughout the public service, the public sector and the special purpose state enterprises that are set up by the Government, what we must also understand is that because of the makeup and the composition of most of these Joint Select Committees, there is the ability of the Executive to exercise a certain degree of control over what is done by the Joint Select Committees and the resources that are devoted to the Joint Select Committees in carrying out their mandate. The Joint Select Committee on National Security is a perfect example of that. One would have thought that by now, having made a promise to the Opposition when the Opposition met with the Government some year and number of months ago, that that Joint Select Committee was so important to the safety and security of our country and the discharge of perhaps the most important responsibility, and holding accountable the Ministry that is responsible for the safety and security of each and every citizen of this country, would have by now been headed by an Independent Senator, but that is not the case. The Government has broken that promise.

Pursuant to the recital in the Motion that has been brought by Sen. Mark, I think that the promise of parliamentary autonomy is going to be another one added to the list of broken PNM manifesto promises [*Desk thumping*] that this country has come to expect. It is just going to join the winding, unending list of a border

protection agency that today might have been able to assist in relation to the migrant problem that we face that has been the subject of so many questions and so many adverse comments by the United Nations Human Rights Committee. When one looks at the *Guardian* headline today, the chairman of Amnesty International, Latin America, criticized the Government.

And if the Parliament had the autonomy that it ought to have it may well be that many of these difficult issues that we are grappling with today as a country may have found itself before a Joint Select Committee, and the accountability and governance that we expect could have been extracted from the Executive. But, Madam President, it is clear by the words of those who have contributed from the Government that this Government is not serious about strengthening the democracy. It cannot be serious about strengthening democracy; that would be adverse to its style of governance. So one can expect that parliamentary autonomy is just going to go down the hatch.

Now, my learned colleague, Sen. Obika, referred to a paper delivered in South Africa by the hon. Lindiwe Maseko during 15th to 19th September, 2013, under the heading, Financial Independence as a Means Towards Effective Oversight. A very, very distinguished paper was presented, Madam President, and I just wish to quote so that it can be brought home to the Government how important the issue of parliamentary autonomy and financial independence is. It says that:

“The bedrock of parliamentary autonomy hinges on financial Independence. Autonomy in this context is simply defined as non-dependence and non-subordination of Parliaments in relation to the Executive. This non-dependence and non-subordination as stated above is in terms of

unfettered control over financial and other related resources. Therefore, according to the Latimer House principles this means that ‘parliaments should have equitable access to resources’. As such, parliaments by Constitutional arrangements are supposed to have enough financial muscle to carry out their legislative mandate, including exercising...”—

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

Sen. G. Ramdeen: Thank you, Madam President.

“As such, parliaments by Constitutional arrangements are supposed to have enough financial muscle to carry out their legislative mandate, including exercising power over the budget. This is consistent with the Latimer principles that state that ‘parliament should have control of and authority to determine and secure their budgetary requirements unconstrained by the Executive, save for budgetary constraints dictated by national circumstances’. In fact, this suggests that parliaments should assert their role as a separate arm of government, this includes the fact that they should be independent from the executive in the way they organise themselves, control over their own timetable and the ability to recall themselves outside normal session if circumstances so require...”

Madam President, when one looks at the way in which the Ministries of Government operate and one looks at the way in which the Parliament operates, the way in which the Parliament discharges its function as a working arm of Government, if there was one arm of Government, one public authority, one Ministry that has demonstrated that it is entitled to have autonomy over its affairs, it is the Parliament of Trinidad and Tobago. [*Desk thumping*] The Parliament of Trinidad and Tobago has demonstrated by the discharge of its functions, by the

manner in which its staff is dedicated and committed to its role, and by its work product that it is entitled to have parliamentary autonomy. With the limited resources that are devoted to the Parliament, the Parliament has really shown us how to get more from less. [*Desk thumping*]

The rule of law, the separation of powers, and a hard-working democracy requires that there be parliamentary autonomy. Let us borrow the words of the Attorney General, let us have no more analysis paralysis. There is a Bill, let that Bill be laid. Let us show—the Government does not have much to show in 13 months. After five years you all are not going to have much to show either, grab the opportunity that you have to piggyback off some UNC legislation and at least [*Desk thumping*] do something for the people of Trinidad and Tobago and lay this Bill as supported by the Motion. I thank you, Madam President. [*Desk thumping*]

Madam Speaker: Sen. Roach. [*Desk thumping*]

Sen. H.R. Ian Roach: Madam President, I thank you for the opportunity to make a brief contribution to a very important and enlightening Motion moved by Sen. Wade Mark, and I must say that on this occasion, having listened on the last two occasions—I think this is our second opportunity of dealing with this Motion.

Hon. Senator: Third.

Sen. HRI Roach: The third time. I think Sen. Dhanayshar misled me. [*Laughter*] The third occasion, and from what I have heard, this has to be one of the most non-contentious debate that has taken place in this Chamber thus far, because from all the speakers, all the Senators on either side of the Chamber, all of us joined in the importance of having a Parliament that is independent of its affairs, both financially and administratively speaking, and to me the only issue really to be determined from this Motion is how soon this ought to become a reality.

That is it in a crux, how soon? If it is, and I have spoken with Sen. Wade Mark during the course of the break on his Motion, and the time frame which was originally set to be the 30th of April, 2018. He is quite willing and mindful of the short time in which this is to be done, notwithstanding the fact, as Sen. Ramdeen has just said, there is a Bill in existence that has been massaged and has been debated elsewhere, and that probably little again needs to be done in order to bring it before us to have it debated, and probably, hopefully, implemented within the life of this Parliament.

I am not sure if an undertaking can be given by the Government that should the amendment proposed by the hon. Minister, Clarence Rambharat, be acceded to that it be done within the duration of the Eleventh Parliament, if that can be held to that. Certainly, I think it is something to consider in moving forward this, because, I mean, it has been here all the time. We do not want to be debating and re-debating something that has basically been already properly, I think, fleshed out in both Houses.

The importance of parliamentary independence, autonomy, for the listening public that may have been probably wondering at this point in time what is all this fuss about being made in three sittings on a private Motion to deal with an issue of Parliament that is in existence, and, clearly, just to bring you back to focus, one of the critical functions of Parliament, it is in the scrutinizing of government's activities. One of the main functions of it is also the Parliament serves to give consideration and look after the affairs of the voters and the citizens of the country who would have elected, and in some instances appointed us to be here.

One of the most critical functions of Parliament is in passing laws, their legislative functions, and last but not least is the passing of the budget, national

budget, which supervises and which caters for the government provision of goods and services, and how the economy will eventually unfold for the welfare, for the benefit of its citizenry. And any one of those items by themselves will give credence why a Parliament should be independent, should be given its independence. I mean, it is knocking on an open door. It is an obvious need. It is an obvious state of affairs, given the evolving of parliaments from when parliament came into existence, given our independence from 1962 to now our needs have certainly become more sophisticated; the Government's role has become more enlarged. The Executive plays a critical role in almost all aspects of life, of national life, and, therefore, it is incumbent on a Parliament to be able to be well resourced so as to keep Government in check, so as to have Government accountable for the trust that is placed upon them in terms of their resources, in terms of how they manage our economy.

As you know, and we have heard many Senators in this Chamber speak about the mismanagement by successive governments that have formed the Government in Trinidad and Tobago, and the difficulty it is for Members in carrying out your functions of scrutinizing in the various committees that have been established under the Constitution and under the Standing Orders to be effective. We have heard lamentations repeatedly about the roles that Members of Parliament, certainly Senators, play that we are considered not to be legislators. And, certainly, when you look at the de facto operations of our functions we certainly operate as though we are full-time legislators, and that in itself—I mean, I do not need to go over and traverse all that has been said; certainly, the last comments made by Sen. Ramdeen where that is concerned. It is well known and we have been speaking about that, I think, since the Tenth Parliament and nothing

has been done so far for us to correct that anomaly.

Hopefully, with the independent Parliament, these things will be addressed and addressed in a sufficient way. I do not think that we need to go out and necessarily look at all the different studies that have been done in other jurisdictions to support the need for a parliamentary independence. What to me may be more germane for us is what shape it is supposed to take. Would it be a corporation or what? What is the vehicle? What organizational structure? I think that should probably engage our concerns more than whether or not parliamentary autonomy is necessary.

4.00 p.m.

As I said, I think that we are all on the same playing field where this is concerned; we know there is a need for it. We also appreciate the fact that the staff that assists Parliament in functioning is one of the best staff you can find anywhere in the public service in Trinidad and Tobago, and that is a given. For that, I mean, one can only be anxious in seeing that they are adequately provided for in a new dispensation, in a new independent parliamentary setting.

I am struggling as you see to find new things to say about the need for the parliamentary autonomy, simply because all that needs to be said about it has been said already. But I thought it necessary, given the importance of it, given the fact that I view this debate as one of the more non-contentious debates, and one that is quite enlightening, and one that is also necessary for us moving forward and strengthening our democracy, that I will just add my two cents.

But having said that, Madam President, I would say that one of the critical hindrances in any administration, as Sen. Obika has said as well, I will just use the old adage that he who controls the purse, controls the sea, and therefore if we have

a Parliament that controls its own finances, independent of the Executive, and not operate as a de facto Government department, I can only see the enormous benefits that have all been elaborated here for the independence of Parliament being an urgent item to be secured in this Eleventh Parliament.

Madam President, I would not detain you much longer, nor the Senate, because as I said, all that needs to be said has been said about this, and I am all for the independence of Parliament and that it be sooner than later. I thank you.

Sen. Wade Mark: Thank you very much, Madam President. I am very grateful and happy for the opportunity to make my closing comments on this very significant debate that we have engaged in for the last three Private Members' sittings of our honourable Senate.

I also want to take the opportunity from the outset to register and record my appreciation to the 17, almost 18 Members, because I am speaking twice—and I have my colleague who has indicated to me he would like to speak after me; that is the hon. Leader of Government Business, which will make us 19 Members contributing to this matter before us.

Madam President, let me say that this matter of parliamentary autonomy or independence, as Sen. Clarence Rambharat said in his contribution, did not start in 2010; it started long before 2010. I recall being Chairman of the Joint Select Committee back in 1997, when Lawrence Maharaj through the UNC moved for a new management structure for the Parliament of the Republic of T&T. We did not complete the work then, and we did not complete it also in the Tenth Parliament. Suffice it to say that this exercise that we are engaged in today has been going on for close to 21 years in our Parliament. So it is not an overnight debate or exercise.

Madam President, I think it is very important from the very outset, to refer to

the very report that my colleague referred to earlier in his contribution, that is, the report of the JSC appointed to consider the legislative proposal entitled, “The Draft Houses of Parliament Service Authority Bill, 2014”, and to put on to the record of this honourable House, when we talk about “parliamentary autonomy”, what we are referring to. So it could be as the former Prime Minister used to say, Patrick Manning, be made pellucidly clear for all and sundry.

I go to page 5 of this report, and it states under “Parliamentary Autonomy” the following:

Parliamentary Autonomy should be viewed not solely in terms of separation, but rather as a recalibration of the existing relationship between the Executive and the Legislature, based on an underlying evolution in Parliament and State maturity.

Basic requirements for parliamentary autonomy include the following:

Parliament should be serviced by a professional staff independent of the Public Service.

Secondly:

There should be adequate resources provided to Government and non-government Backbenchers, in order to improve Parliamentary impact and should include—for instance—the following provisions:

Training for new Members, secretarial office, library and research facilities. Drafting assistance including Private Members Bills. An all-party committee of Parliament should review and administer Parliament’s budget which should not be subject to amendment by the Executive.

These are some of the features of parliamentary autonomy.

And, Madam President, we go on now to deal with some of the substantive

features of an autonomous Parliament:

A Parliament corporate body with the power to secure budgetary requirements without interference from the Government.

A Parliament corporate body that is responsible for providing the necessary financial and human resources to Parliament.

An officer responsible for accounting for the financial resources provided by the corporate body for the Parliamentary service and an independent auditing arrangement.

An independent Parliament staff, set apart from any other service, owing loyalty to Parliament and appointed strictly and transparently on merit.

The rights of staff transferring from the public to the Parliamentary Service need to be protected.

Clarity of functions and powers within the parliamentary administration and especially between the political and official roles; and finally

A culture of accountability, transparency and high ethics in all aspects of Parliamentary administration.

So, Madam President, I think we need to understand very early, from the very outset, that when we talk about parliamentary autonomy, these are some of the features that we are talking about, and as legislators we have a duty and a responsibility to strengthen the parliamentary institution that we have come to be part of for all these years, and of course for the younger ones like Sen. De Freitas, in years to come.

I want to also indicate, when Sen. Clarence Rambharat made the question about what is so magical about our Parliament, in terms of the professionalism of our staff, that sets this staff separate and apart from the other members of the larger

public service. I want to tell you, Madam President, without parliamentary autonomy, we have to take our hats off to the Clerk of the House, Jacqui Sampson-Miguel, [*Desk thumping*] who has been labouring in the vineyard for as long as I can remember. [*Desk thumping*] Also the Clerk of the Senate is also important, but the Clerk of the House is the accounting officer. So it is both Clerks, but I am dealing here with the Clerk.

Madam President, if we did not have a strong, non-partisan, professional, independent and impartial Clerk of this House, of the Parliament, we do not know what may have happened. That is why the case for parliamentary autonomy is so important. Because if you do not have a strong, independent, impartial, non-partisan and professional individual holding that rein, we could be anywhere. I do not have to go very far to tell you what goes on in other Caribbean countries. You know and many Members here know. So we must be proud that we are here today and we are doing what we are doing, because of a very strong parliamentary staff. I include the both Clerks and I include the staff of our Parliament as well. So there is no magic about it. There is a lot of strength in the very human resource base that makes up our parliamentary system at this time.

Therefore, it really strengthens the need and the call for this independent parliamentary institution that we are all striving to realize in this country.

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

Mr. Vice-President, I would like to take you to a document called “Recommended Benchmarks for the CPA, Caribbean, Americas and Atlantic Region...” This was first endorsed in March of 2011 by the Clerks of the Caribbean and later by presiding officers in 2011, and then subsequently endorsed and approved by a regional CPA meeting on the 29th of June, 2011 in Grenada, at

the 36th CPA Regional Conference.

Mr. Vice-President, one of the areas that we see here in this document under article 5.4 is called, “Organization and Management”, and it says the following:

There shall be established a Parliamentary Corporate Board.

Now, when we talk about the Caribbean, the Atlantic and the Americas, we are talking about all those Parliaments within those areas of the Caribbean, the Atlantic and the Americas, and we have all agreed to be guided by these benchmarks and move towards implementing these benchmarks into legislative format.

So under article 5.4, “Organization and Management”, we have all agreed to implement:

“There shall be established a parliamentary corporate board by legislation that shall be responsible for the management of the Legislature.”

It goes on, Mr. Vice-President:

“Each Legislature shall have an office of Clerk which should be a permanent and non-partisan office, with the principal responsibility to provide advice on rules of procedures to Presiding Officers and Members.

Legislation should provide for a Parliamentary Service and establish a corporate body responsible for the recruitment of the Clerk and the determination of the Parliament’s budget as well as providing general governance over the parliamentary service...

The Administrative head of the Parliamentary Service shall have a form of protected status to prevent undue political pressure.”

It goes on, Mr. Vice-President, as example:

“The terms and conditions of Presiding Officers shall not be less than what is applicable to Members of Parliament of Cabinet rank.”

This is a benchmark that we have established in the Caribbean, that no presiding officer should get less than the salary of a Cabinet Minister. [*Desk thumping*] We do not have that. This was agreed since 2011. We do not have it, Mr. Vice-President, okay? And I could go on, but I will stop at this point to let you know that we need to recognize that the whole thrust towards parliamentary autonomy has been well established.

Mr. Vice-President, may I also tell you that the Latimer House Principles that my colleagues have referred to arose out of a Commonwealth Heads of Government meeting which was held in Abuja, Nigeria in December of 2003. The basis for the Latimer House Principles arose out of that meeting, and that meeting saw Trinidad and Tobago signing off on the principles and guidelines, and that was the hon. Patrick Manning. That was in the year 2003. So since 2003 Trinidad and Tobago had agreed to the Latimer House Principles of the separation of powers, and the independence of the Judiciary, the Executive and the Legislature, and why we must have institutional, administrative and financial independence and/or autonomy. These things were well established, so we are just regurgitating what already exists. Mr. Patrick Manning signed this document in Abuja, signed off on the principle that we should deal with this separation of powers in terms of the principles of the separation of powers, giving Parliament that degree of independence.

But you know, Mr. Vice-President, tragically and unfortunately, between 2003 to 2010, I am afraid to report, nothing was done to strengthen the Parliament, and even though we had signed off on this Abuja agreement, that gave rise to the Latimer House Principles, we did not do anything to bring about a strengthening of our Parliament, to make our Parliament more independent of the Executive. And it

is never too late. We are starting a bit late off the block, 20 years after from 1997; and from the Abuja experience 2003, we are in 2018 so we are talking about 15 years later.

Mr. Vice-President, I want to take you back to a workshop on the parliamentary committee system held in Trinidad and Tobago. It was done in your beautiful island of Tobago. It was on the 20th and the 21st March, 2006, and these are the principles and recommendations that were agreed upon since 2006—since 2006.

[MADAM PRESIDENT *in the Chair*]

I will just read one of those principles because there are about six, but time will not permit me to go through all. Hear one of the principles, Madam President:

The Parliament of Trinidad and Tobago should be exclusively responsible for the internal management and governance of its administration.

This was a principle agreed upon since 2006. Here are some of the recommendations arising out of that workshop that were adopted by the Parliament of the Republic of T&T:

1. The number of Members serving in the Legislature should be increased *inter alia* to provide sufficient membership for the parliamentary committee system and to strengthen the parliamentary oversight role.

So Sen. Rambharat, you made reference to the European Commission Report, and they talk about the smallness of size, and the numbers and the challenges, but here in 2006, even before that report of 2012, we had agreed in principle that one of the recommendations we should pursue is increasing the number of MPs. We moved from 36 to 41, and that was a result of the 18/18 debacle that we experienced in

2001.

But you know what? Surprisingly, the number in the Senate has never moved. So even though we moved from 36 to 41, we remain static, and the Opposition remain six, the Independent remain nine and the Government remain 15, and of course the President is No. 16. So in other words, there should be a proportionate increase, so as we increase the number of seats in the House of Representatives, there should be a concomitant increase in the number of Senators in our country; but we have remained static.

Madam President, we had recommended in 2006 the role of an MP should be recognized as a full-time occupation. Since 2006 we recognized that and we made a recommendation.

Parliament should review its corporate structure to meet the challenge of managing more effectively its administration and financing.

Here is one, hon. President:

Parliament should consider modernizing the Standing Orders of both Houses.

Since 2006—we only modernized our Standing Orders in 2014, and gave effect—well, in 2015 it was done in this House and it was only given effect when we began our Eleventh Parliament.

Madam President, I raised these matters. Another principle, and I think Sen. Ramdeen made reference to it, we all agreed in principle and a recommendation was advanced:

Cabinet Members should not be appointed to oversight committees.

That is a principle and a recommendation, but we have four Cabinet Ministers chairing four Joint Select Committees: Foreign Affairs, Energy and Energy

Affairs, Human Rights and Diversity and Equality and the other one is National Security. And we agreed in 2006 that no Cabinet Member, Minister, should be a member of a joint select committee.

Sen. Gopee-Scoon: Should not be a member?

Sen. W. Mark: Should not be appointed to oversight committees. [*Desk thumping*] That was a principle and a recommendation, and yet still we still have Cabinet—so hear the oxymoron, hear the contradiction, hear the conundrum literally: we have to enquire and scrutinize the Executive. The Executive is now in charge of a committee of the Parliament that is supposed to be scrutinizing the Executive. How can the Executive sit in judgment of itself? So I just gave you an example of some of the things that we had agreed to.

I want to also indicate that one of the challenges that we have in Trinidad and Tobago—and I read in the newspaper with great interest this week an article in yesterday's *Newsday*, Monday, April 23rd by Mr. Reginald Dumas, and he talked about institutional and governance impairment. You know he made a very significant point. I just want to quote the first two paragraphs of his article. He said:

“For years now, I’ve been warning of decline in the quality of our institutions and of our governance structures and implementation. The ears to which I principally speak strike me as increasingly deaf.

Worse, in too many instances those who are directly charged with the task of protecting and strengthening those institutions, and of providing good governance, are themselves the vanguard of the assault on the institutions, and the cynical proponents of improper, often bad, governance. There have been some recent examples.”—and he went on.

So what I am saying is that our institutions have come under assault, and what Mr. Reginald Dumas is saying, the people who are supposed to be in the vanguard of protecting our institutions, they are in the vanguard of assaulting and eroding those institutions in our country. [*Desk thumping*] He is talking about the Government of the Republic of Trinidad and Tobago, because he went on to give examples of it. So I am just giving you—

Somebody made the point that outside of the Parliament there is no other institution in this country that can rival our Parliament. Madam President, could you imagine that you have a situation where a government institution can advertise for a post and before the post could be filled and applications entertained and interviews conducted, the institution appoints somebody? Is there something not wrong with that? How can you advertise for a post, and when you are applying for the post you read in the newspaper that Mr. John Harry has been appointed general manager to this post? That can only happen in a government-led institution. That is what Mr. Dumas is talking about. So Mr. Charles Mitchell is now the General Manager of the PTSC, and an advertisement was put out and it was closed on April 20th, but Mr. Charles Mitchell was appointed General Manager on the 16th of April, even though the advertisement for applications closed on the 20th. Something has to be wrong.

When Mr. Dumas talks about the decline in the quality of our institutions, it is these things that he is referring to. [*Desk thumping*] The Government must take stock of this. The Government must take stock of it.

Madam President, before we go for tea, I just want to say in closing, before I use up my next 10 minutes upon resumption—may I simply say before closing that one of the things that I would like to suggest is that the emoluments of the

President of the Senate, the Speaker of the House of Representatives and the clerks—both the Clerk of the House and the Clerk of the Senate, be a direct charge on the Consolidated Fund of our country. They must become direct charges, so that they do not depend on the whimsical movement of a Minister of Finance; no matter who that Minister of Finance may be.

Thank you very much, Madam President.

Madam President: Hon. Senators, we will now suspend. Sen. Mark, you actually have used up 29 minutes, so you have 16 more minutes when we resume. So we will suspend until 5.00p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed*

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

Sen. W. Mark: Thank you very much, Madam President. Madam President, I would like to, there is a very important book called the *Commonwealth Latimer House Principles*. It is a practitioner's handbook, and on page 25 of this handbook deals with what is called Principle III which is Independence of Parliamentarians and, you know, it outlines the constitutional function of Parliament. And as you know, Madam President, our function is to hold the Executive to account, and we must be able to discharge our responsibilities free from Executive domination.

Now, there are—to discharge its functions unimpeded, this document talks about the three levels of autonomy that ought to be considered: Institutional autonomy, Madam President, which I will identify means:

“The principle of parliamentary independence is often institutionalised in written Constitutions. In countries without a written Constitution, institutional autonomy and the separation of powers can be established by

Parliamentary Autonomy
(Introduction of Legislation)
Sen. Mark (cont'd)

constitutional conventions.”

When it comes to administrative autonomy it talks about:

“Administrative independence and accountability is best achieved by parliamentary corporate bodies, (e.g.), parliamentary bureaus, commissions and service boards) with responsibility for overseeing provision of the necessary facilities, property, staff and services, according to experience in a number of Commonwealth countries and independent reviews on the effectiveness of governance structures in parliamentary settings. Parliamentary autonomy can also be expressed in legislation that establishes corporate bodies.”

And finally, Madam President:

“Financial autonomy - Control may rest with Parliament or the Executive or through a collaborative model in which Parliament determines its budget in consultation with the Executive.”—however—“When Parliament does not have financial independence, there is always a danger that the Executive will exercise undue control over expenditure, to the detriment of the parliamentary process.”

So, Madam President, I just reinforced those principles for our consideration. One of the areas that I would also like us to consider, it was also raised by Sen. Taharqa, I do not know if when Sen. Khan speaks—

Sen. Ameen: Obika.

Sen. W. Mark: Sen. Obika. I am sorry. Madam President, I do not know when the hon. Leader of Government Business speaks, if he will make reference to this question. One of the things that modern Parliaments have, those Parliaments have parliamentary autonomy. One of the things that is critical for their independence is

the establishment of what is called parliamentary budget offices.

And, Madam President, the reason why those parliamentary budget offices are critical is because when we have budgets or the Appropriation Bill presented, you need an independent group of people in the Parliament under your leadership and the Speaker's leadership who can analyze in a surgical and clinical way every item of expenditure in the budget and make that information available to Members of Parliament, so when we come to speak in the budget debate we would be able to have a qualitative input from the budget office of our Parliament, and they also do costing.

One of the limitations we have here is that the Government will bring policy through legislation and we do not have an idea what it will cost the taxpayers and a budget office does costing and they are able to tell us, Madam President, during the debate or before the debate what this proposal will cost the State, what it will cost the taxpayers, and that is a very important input in contributing in a very qualitative way to any debate, particularly on finance and budget.

So, I think that this question of—in Canada there is a piece of legislation called the Parliament of Canada Act that deals with their budget or what is called the parliamentary budget office, and that parliamentary budget officer is a very strong and powerful person within the Canadian Parliament.

So, Madam President, I bring these matters to your attention and to my colleagues' attention so that they can understand how we are very—we are not very advanced as a Parliament in being able to have the resources at our disposal to deal with these critical matters.

We are being asked to oversee over \$52 billion, but we do not have the manpower and the human resources to assist us in dealing with that in a serious

way. I have to thank the staff of Parliament, I must compliment them [*Desk thumping*] because I know that they go from one committee meeting to another committee meeting because, why?—we do not have sufficient human resources to dedicate them independently to these committees, so they have to be sharing, you know, themselves among various committees, and this is something that we need to address.

Madam President, I made the point earlier that there must be enough resources for Government and non-government backbenchers. And the reason for that, whether we are in Opposition, we are on the Independent bench or we are like Sen. Dookie or Sen. Ronald Huggins as a backbencher, when you have to contribute to any parliamentary debates you need personnel to support you. The Parliament can do only so much. They cannot prepare a speech for you, you have to do that for yourself, and therefore, you need to have resources attached to those parliamentarians.

And one of the things I would like to see very shortly in our Parliament is the support given to parliamentarians by providing them with some research assistants, [*Desk thumping*] a research assistant. You know, one research assistant for every Independent, every Opposition, every backbencher on the Government side, so that when they have work to do they can call on that resource to help you or to help them. But right now we are like one man demolition crews, we have to do everything for ourselves.

Sen. Khan: Imagine if you had an assistant, boy?

Sen. W. Mark: You could imagine. You could well imagine. I agree with you, Madam President. You could imagine if I had some assistance, but I do it on my own, you know. So I think that this is an area that we need to pay attention to.

May I also, I want to indicate that Sen. Rambharat he submitted an amendment rather to the Motion that I have submitted for consideration and it went like this:

“Be it resolved that the Senate call on the Government to introduce legislation to give effect to parliamentary autonomy during the Eleventh Parliament.”

Madam President, I would like in the spirit of compromise to arrive at a mutually acceptable resolution, and I would like to suggest for the Leader of Government Business’ consideration some tweaking or amendment if I am to withdraw my resolution. And I would ask the Hon. Leader of Government Business to consider the following changes or addition rather. So, Madam President, what I would like to suggest would read like this:

“Be it resolved...”—because I think all of us has agreed in principle that we need pursue parliamentary autonomy and to realize its fruition before the end of the Eleventh Parliament. I think we are all in agreement on that particular principle and objective. So, I am proposing for the consideration of the Leader of Government Business that I am tweaking the amendment proposed by Sen. Rambharat to read as follows:

Be it resolved that this Senate call on the Government to introduce legislation on parliamentary autonomy during the Fourth Session of the Eleventh Parliament and have same referred to a Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament.

May I repeat it, Madam President? Now, as I said, I am tweaking what has been put by Sen. The Hon. C. Rambharat and I am saying:

Be it resolved that this Senate call on the Government to introduce legislation on parliamentary autonomy during the Fourth Session.

Because you know we are going on recess from the second week of July.
[*Crosstalk*]

Sen. Baptiste-Primus: Do not explain, just repeat “nah”.

Sen. W. Mark: Yes. Yes. Sorry. All right. Okay. I know, I know. No. That is my friend, that is my friend. [*Crosstalk*]

Madam President: Senator, you have four minutes.

Sen. W. Mark: Madam President, may I continue?

Madam President: Yes.

Sen. W. Mark: ...the Fourth Session of the Eleventh Parliament and have same referred to a Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament.

And I will tell you why I am saying this, Madam President, in my few minutes I have, two or three. I know that we are under a lot of pressure, all of us, and I would like, we are now about to complete the Third Session, and if we are to do justice to what Sen. Rambharat has put forward, we have to focus on getting the job done. How do we get the job done? We commit ourselves as a collective along with the other side, that is the other House, to in the Fourth Session we either get a Bill from the Government or you refer the existing Bill to a Joint Select Committee, give them a period of time to consider and report, and they must consider and report by the end of the Fourth Session.

So when get into the fifth and final session there will be a report for the consideration of the both Houses, and before we end the fifth session and head towards the polls, we would be able to complete that, so all of us would have left

our legacy. Some of us who are not returning will leave their legacy. You understand? Those who are coming, [*Desk thumping*] will have something to proceed with, Madam President.

So we are proposing for the consideration of the hon. Leader of Government Business, we want to arrive at consensus, and I am just asking him to tweak the legislation, the proposal rather, so that we can arrive at a consensus, because I am prepared to withdraw my resolution in favour of the Government's resolution with the tweaking that I am proposing, so we can arrive at unanimity at the end of the day.

Madam President, with those few words, I beg to move. [*Desk thumping*]

Madam President: We need to second it.

Sen. Ameen: Thank you, Madam President, I beg to second the amendment.

Madam President: Can I? Let me just read it through. Yeah. All right. So, hon. Senators, just one second. Hon. Senators, the question is that the Motion be further amended as follows:

“Be it resolved that this Senate call on the Government to introduce legislation on Parliamentary autonomy during the Fourth Session of the Eleventh Parliament, and have same referred to a Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament.”

Sen. Ameen: Thank you, Madam President, I beg to second.

Madam President: Hon. Senators, the Motion has been seconded and the question therefore, is that the Motion be amended as I read previously. Leader of Government Business. [*Desk thumping*]

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

Khan): Thank you very much, Madam President. Thank you for joining in this debate, and I invoked my right to speak last, even though I must say it was not such a Motion that was particularly adversarial to the Government, so, I thank Sen. Mark for agreeing to this option.

I have known Sen. Mark for a while now, Madam President, and anytime he comes with his jacket and tie I know he is in a good mood, and when he comes with his Nehru jacket, my heart flutters a little bit. But I think today the Nehru jacket was not dark, it was not blue, [*Laughter*] it was not black, it was white and it was tanned, and it was in a pastel colour, so I probably have to throw away all these points that I have here. [*Laughter*]

But, Madam President, I just want to set the record straight on a number of issues. The Motion reads as follows, even with the amendment:

“Whereas the financial administrative autonomy of the Parliament is an undisputed benchmark of a true democracy;”

I have absolutely no problem with that statement, and I think from hearing the tone of the debate, nobody in this Senate has any issue with that. The Motion continues:

“And whereas the legislative proposals entitled the Houses of Parliament Service Authority Bill, 2014 was laid in the Parliament and referred to a Joint Select Committee in 2014;”

A statement of fact.

“And whereas the Joint Select Committee agreed that Parliament autonomy is essential to the recalibration of the existing relationship between the Executive and the Legislature;”

A statement of fact.

“*And whereas* the Government, in adopting the 2015 Manifesto of the People’s National Movement...”—better put—“...as its official policy framework, confirmed its commitment to the principles of parliament autonomy;”

I love the statement as a matter, because I know “they does not like meh to show this book, eh”, [*Crosstalk*] “but ah bring it again”. All right?

“*Be it resolved...*”—

And you heard the amendment from the Government side, you heard the further tweaking from the Opposition side, and I will conclude my debate on saying whether I agree or disagree with the final comment.

But let me just deal with the PNM, because we are a political party and I raised it because it was quoted in manifesto: And whereas the PNM has adopted this manifesto as official Government policy.

And whereas in its manifesto agreed to parliamentary autonomy...

Madam President, for the records, the PNM takes it commitment and its promises to the people of Trinidad and Tobago very seriously [*Desk thumping*] because we are a party that is 62 years old and I speak proudly as the Chairman of this political organization. We consider ourselves the premium political institution [*Desk thumping*] and I say that almost boastfully, not quite.

Over our existence, we have held 45 annul conventions. That is where the entire delegates of the party and all the membership meet. In the old days it was down at the Convention Centre in Chaguaramas, it is now being held at the Queen’s Park Savannah. And the only reason it is not 62 annual conventions is because we do not keep an annual convention in an election year. So if you take the general election or the local government election years excluded from that 60,

we have kept an annual convention religiously according to our Constitution every single year.

Sen. Gopee-Scoon: Discipline. [*Desk thumping*]

Sen. The Hon. F. Khan: But I have to go on the records, but I want to ask my friends on the Opposition Bench, when “all yuh had all yuh last convention”? [*Crosstalk and laughter*] Good. Okay. That was a political meeting.

Now, like any political organization we have had our ups and downs. We have won elections slightly; we have won elections convincingly; we have lost elections slightly; we have lost elections convincingly, so we have ran the whole spectrum of the politics of Trinidad and Tobago as a political party. But one thing remains fundamentally consistent with the PNM, and I will show one more book, Madam President, with your permission, the constitution of the People’s—[*Desk thumping and crosstalk*]

Sen. Gopee-Scoon: You can borrow it. [*Crosstalk*]

Sen. The Hon. F. Khan: Mr. Manning used to say, former Prime Minister Manning had a saying that the PNM is strong not because of its political leaders, because of its robust internal processes and procedures, [*Desk thumping*] and we have a constitution that is second to none. And even in the good times and the bad times, we have kept a general council meeting every month, [*Desk thumping*] there is one on Saturday, again, we do not skip a beat.

When we lose an election, the months after you lose an election “it have” 30 people in general council, right now it is 130, but we are sticking it out. And it is that discipline, that constitution and that commitment from our supporters through thick or thin, irrespective of who the political leader is, it is built on a solid foundation. So when we prepare a document like this and we promise the nation

something in a manifesto, be assured that we will use our best effort to implement it.

And I will go further now and say, we have promised several things in this manifesto, but I want to deal with one aspect of the promises, the promises of devolution and autonomy. We promised parliamentary autonomy which we will implement. We promised judicial autonomy. The same thing the Parliament is asking for and we will deliver, the same thing we have promised the Judiciary, to keep with the same principle with the separation of powers. So if you have made a case for it here in the Parliament today and over the last several months, the Judiciary just cannot come to the Parliament and make their case for it too, but the Judiciary obviously shares the same sentiments, and in our discussion with the Judiciary this is one of their main areas of conflict.

Before a Joint Select Committee now is the Tobago Autonomy Bill because we have promised autonomy to the Parliament, we have promised to the Judiciary, we have promised autonomy to the people of Tobago, it is within grasp now of the people of Tobago. That Bill requires a special majority and I am almost sure when the consultation is finished, there would be consensus between the Opposition, Government and, more importantly, the people of Tobago.

There is local government reform. I think Sen. Ameen, Sen. Obika mentioned it. This is devolution, this is autonomy to the local government bodies, this is autonomy to the regional corporations. When I was Minister of Local Government and Rural Development we were on a whirlwind tour of Trinidad. Sen. Shrikissoon was in Princes Town and we articulated week after week our thinking on autonomy with the regional corporation.

So these are four main areas of devolution that the PNM is committed to.

And in my notes here, Madam President, I have a little saying here. Human being by their very nature like decentralization of power, it is innate in the human spirit, that the human need to be centralized in power, from the tribal chief to the dictator, to even elected presidents in certain jurisdictions, it is the whole thing about centralization of power.

Devolution of power and authority to other entities within the State is a very rare occurrence in the world, you know, and understand how fundamental a decision we are taking to go in an area of such devolution of authority and devolution of power.

Madam President, with regard to devolution of power and authority, and my favourite politician of the 20th Century is guy called Mikhail Gorbachev and Perestroika, because he is the only person in history that took power away for himself, you know, he dismantled the Soviet Union, he gave autonomy and mutual independence to all the satellite states. So now there is Ukraine, there is Latvia and there is Kurdistan and Azerbaijan, and Russia remains strong.

So the model of devolution and the model of autonomy is a very robust model, and I will say without fear of contradiction that this administration when it has completed its first term in office under Dr. Rowley and going into its second term of office under Dr. Rowley, we would have done more for devolution of authority and devolution of power and function, than any other Government in the history of Trinidad and Tobago. [*Desk thumping*]

5.30 p.m.

So, let me go back now. I would just repeat myself slightly here, Madam President. It is a contribution I had made at the last time this Motion was incarnated. We all know there is the Executive, the Judiciary, and the Parliament.

The Executive sets policies and run the affairs of the State, largely through the Appropriation Bill. So, even though the Parliament will get its autonomy to spend its own resources, the money still has to be appropriated through the Parliament, and through the Government, and the Cabinet. The Judiciary, which is responsible for the justice system, and if I should say so myself, democracy breaks down irretrievably when your Judiciary is compromised.

I made the point at the last time about Colombia, when Colombia was going through its struggles in the '80s with the Cali and the Medellin cartel, when the judicial system was comprised, when judges were being assassinated. It was a total breakdown of democracy. Today, Colombia has bounced back and is doing quite well. And then there is the Parliament. We make the laws. We provide oversight for the Executive—and I will deal with that in a little more detail shortly—and here is where I call, we, the people. The Parliament represents we the people, and in particular the House of Representatives. So, we have the Executive.

Again, it is a point I want to repeat, and I want to make it again, that to me the Executive in the Trinidad and Tobago system is an unenviable position. And by this I mean, it is being held accountable by the population, but they do not have true executive authority. That is a paradox. Because everybody blames the Cabinet. Everybody blames the Government, but the true executive power, like say the President of the United States has, a government in this system does not have it, you know. Because, again I am repeating myself here, Madam President, but this is a new debate. There is an animal called the Service Commission; the Public Service Commission, the Teaching Service Commission, the Judicial and Legal Service Commission, the Police Service Commission, the Statutory

Authorities Service Commission, and they were creatures—and I do not use the word “creatures” derogatory—of the famous Marlborough Accord, the Marlborough meetings up in London, when we were discussing our Independence movement with the colonial masters, with the colonial secretary, his office.

And there you had two parties negotiating the Independence of Trinidad and Tobago; one under Dr. Williams, one under Dr. Capildeo. They had glamorous figures of those days like Mr. Ashford Sinanan, the Bengal Tiger; Lionel Seukeran, Seukie, Mr. Speaker, sah. As a little boy I had heard about it. And the fear of the DLP at the time was that there would be some PNM hegemony in Trinidad and Tobago if you did not have a service commission to protect the public service from the wrath of the PNM. Good? And that concept, that idea, whether real or imagined, was bought lock, stock and barrel by the British. So, they implemented the service commission system to insulate the public service. My colleague here, Jennifer Baptiste-Primus was a former president general of the Public Services Association.

However, as time passed and the public service became more complex, and we needed modern management strategies, and modern management concepts for its efficient operations, it is obvious to all and sundry that the service commission system is slow, it is inefficient, it is archaic, it is not fit for purpose, and any reasonable leadership in Trinidad and Tobago will have to conclude that it needs an overhaul. The Prime Minister is on record as saying that we have to relook at the relevance of the service commission system. But, again, that is a loaded political point. Because the first thing you would be accused of is saying that you want to interfere with the public service, and they do not want no political interference. I say no more on that.

Sen. Mark: Hon. Leader of Government Business, would you want to share with us whether you are aware that it was the Premier, Eric Williams, in 1957, who introduced major reforms that would include among other things the Public and Police Service Commissions? Are you aware that Eric Williams did that as Premier in 1957?

Sen. The Hon. F. Khan: Yes. Through you, Madam President, but the seed was sown in Marlborough House, the whole conceptualization of the service commission.

Now, there is another sensitive matter I want to bring up. It is what I call a tendency in both Houses to establish what I call a “presidentocracy”. Because, I do not want to quote the former President but I have to quote him here, the:

“Power you think I have, I do not.”—and the—“Powers you think I do not have, I do.”

But there are two types of legislation. One, when they say appointed by the President, the President means the Cabinet. Now, I could not be a lawyer, because if you want to say the Cabinet, say the Cabinet. Why say the President? *[Interruption]* All right. The other part of it is that there is a growing tendency, every time legislation comes to the Parliament and you say “the Minister shall appoint”, because the Minister is the Executive. The Executive is voted into office. Is it tendency to say, you know, the Minister cannot appoint, let the President appoint in consultation with the Prime Minister and the Leader of the Opposition. So, more and more you are loading up a “presidentocracy” with responsibilities that the Constitution did not cater for. Because at the end of the day, through you, Madam President, Executive power in a democratic system means elected power. It is the elected officers who have the Executive authority to

make decision on behalf of the electorate. A classic example is New York. The Commissioner of Police of New York, you know who is his boss? The mayor. The mayor could hire and fire a commissioner. The mayor is an elected official. So, we have to understand what system we are in, and how we want to adapt our system to suit what our needs are. The Judiciary, I would say no more on the Judiciary, but to say that democracy would irrevocably breakdown when the Judiciary is compromised. I said that already.

And now let me come to the parliamentary system. The Parliament provides the seat of ultimate democracy. We make laws, we provide oversight for the Executive, and we make sure that the citizens are represented through their MPs. Passing laws, we have the Lower House where it is a simple majority; the Upper House, if Bills need a simple majority it is a straightforward case in the Lower House. In the Upper House, I mean for special majority, you need the Opposition support. And let me just quote another example, Madam President, through you. Sometimes we criticize Trinidad and Tobago, and sometimes we criticize our own selves unduly. But I would quote two examples that have shown me that we live in a mature society, and we have matured leadership, through time. The first case I want to quote is the 1971 No Vote campaign, and the 1971 No Vote campaign when Robinson say “doh” vote for them; NJAC say, I want no part of conventional politics, and withdrew, and they were supposedly popular with the grassroots at the time. Sen. Obika, you were not born yet, but you are still following in that mode.

Sen. Obika: But I am aware of it.

Sen. The Hon. F. Khan: Good. In 1971, the PNM won all 36 seats. They could have done what they wanted. They could have passed any legislation; simple majority, special majority, three-quarters majority. None of that happened to the

credit of Trinidad and Tobago. [*Desk thumping*] In 1986, tables turned; 33:3. For the second time in the history of this country you had a Government that had an absolute majority. They could have passed simple legislation, they could have passed three-fifths legislation, they could have passed three-quarters, and the records will show that no draconian legislation was passed under the NAR. That says a lot to me. So, here you have two parties on both sides of the political fence having the same virtually absolute authority in the Parliament to pass legislation at their whims and fancy and none of it happened. To me, that spells maturity of a society, and we should compliment ourselves for that. [*Desk thumping*]

I dealt with the numerics of the Senate on the last time I spoke, so I would not go into it. But let me now deal with a point that Sen. Mark raised, and this is fundamental because we ask for things and we do not know what the consequences of getting it are. The Standing Committees of Parliament—again, let me just compliment Sen. Mark again, when he was Speaker of the House and the implementation of the new Standing Orders he brought to protect and to strengthen democracy, there is now something called Urgent Questions, Prime Minister's Question time, and Joint Select Committees. There is Departmental Joint Select, which is what he mentioned a while ago, Public Administration and Appropriation, National Security, Energy Affairs, Foreign Affairs, Human Rights, Equality and Diversity, and what have you. I agree, because I have it here in my notes.

One cannot provide oversight of one self, and I did not even hear Sen. Mark say that. Look I have it written down here. You cannot have oversight of yourself. So, therein lies the dilemma, because most of the Members of the House, and a significant number of Members of the Government side of the Senate are Cabinet Ministers. So, if you take us out of the equation, who you remain with? I mean,

let me criticize the UNC now. In that last administration for the first time in the history of Trinidad and Tobago every single Member of the House was part of the Executive. There was absolutely no backbench, and worse yet, every single Member of the Senate. The 15 Members who were Senators, every single one of them had a position in the Government, so your entire Senate and your entire House was part of the Executive. You cannot provide oversight of your own self. So, how do you solve that problem? I remember Basdeo Panday saying they should have a Parliament of “ah” hundred. You could do that, because you could break it up into smaller constituencies. You could disband local government.

Barbados has no local Government system. Because, there is 137 electoral districts under local government, so you could easily have ah hundred small constituencies, with “ah” hundred Members of Parliament, and have a big backbench, because the Parliament oversight system runs well in two jurisdictions. In the United States, you have Congressional Committees and Senate Committees, but the Congress and the Senate have absolutely nothing to do with the White House. The President, who is an Executive President, appoints his Cabinet, and no Member of his Cabinet comes from the Senate nor the Congress. So that is a system that has clarity of roles. What we are attempting to do in Trinidad, is to cross wire the system, you know, and when you cross wire a circuit, for those of you who did some electrical engineering, you blow it up, because you are mixing positive with positive and negative with negative. So, the US has the Executive, which is the President’s Cabinet, they have Congressional Committees and they have Senate Committees.

In England, it is still a hybrid, because in the Congress and in the Senate, you still have the two parties, you know. You still have Republicans, you still

have Democrats. You have all seen on CNN and on Fox where were Republican congressmen vote against a Republican President and vice versa. So, that system of oversight is a very robust and a very democratic system. That is America. In England, however, they have the same Westminster system. But, Madam President, through you, the House of Commons has 650 members. The British Cabinet was smaller than the Kamla Persad-Bissessar Cabinet. [*Interruption*]
[*Laughter*]

Six hundred and fifty Members of Parliament sitting in the House of Commons, you have a Cabinet of just a little over 30. So what you have is 610 backbenchers to form your Parliamentary Oversight Committees. It will work. And the records will show that in the British system backbenchers of the labour party vote against the labour government and vice versa. But how will Trinidad solve that dilemma? I “doh” have an answer, you know, because we are restricted by size. And nothing that is presented in this Houses of Parliament Service Authority Bill, or no other discussions along those lines has purported to me a meaning solution to this dilemma. Because it is well known, and everybody agrees with it here, and Sen. Rambharat made the point, probably the best working system in the Parliament right now, is the Joint Select Committees. And what we try to do in particular as Cabinet Ministers, is try to change your hats, so you take out your Cabinet hat when you leave your office and you come into a JSC and you put on your parliamentary hat. But sometimes you would mix up the hat, and sometimes you have—there will obviously be times of conflict. There would obviously be times when you are thorn between a rock and a hard place with the parliamentary oversight of your own executive authority.

I cannot, regretfully, Madam President, proffer any major solution to that

problem. And then, finally, I will deal with the issue of full time parliamentarians. That sounds nice, but there is a dilemma in that, you know. There is a sting in the tail in that. Bearing in mind one thing, again we are a small population. We have limited resource based to choose from. The number of competent people who want to serve full time in the Parliament, so you would restrict who is available. Will Government Senators who are not Ministers, leave their jobs to come and sit down in the back bench? Will Sen. Dookie—I do not want to tell you where he is working but he has a good job—leave his job to come and sit down in the back bench? To make matters worse, with no security of tenure, because if he and the Prime Minister cross tread this evening, he out in the morning. [*Laughter*] The same applies to my six colleagues in the Opposition Bench. Worse! Would they leave their jobs, I do not want to personalize the debate too much, but would Sen. Gerald Ramdeen give up his lucrative law practice to be an Opposition Senator. And as good as he and his political leader may be doing now, it may not last, so he is still at the mercy of the Leader of the Opposition, with no security of tenure. [*Laughter*] Good! And you could sign what contract you want and sign what job offer you want when the political leader of a party calls for your head, consider it cut off, on both sides of the fence. Both sides of the fence. My Independent colleagues, [*Laughter*] same thing applies to you.

Sen. Dr. Mahabir: No, we are very safe. [*Laughter*]

Sen. The Hon. F. Khan: No, no, I have some notes here Sen. Mahabir. [*Laughter*] I asked Sen. Ramkisson the question last time, she could not give me a clear answer. I want to put Sen. Chote on the spot, would she give up her lucrative law practice? Possibly not. And what I have here, Sen. Mahabir, would you give up your job? But you retired already. [*Laughter*] So, you probably

Parliamentary Autonomy
(Introduction of Legislation)
Sen. The Hon. F. Khan (cont'd)

would say, I want to be a full time Senator. [*Laughter*] So, I am just in a jovial sense, making a very serious and fundamental point. Okay? So, I just wanted to raise some of these issues, because I want to wrap up by 6.00. I had a note here to say that from the tone of the debate nobody on the Government side, the Opposition side, or the Independent side is fundamentally opposed to the parliamentary autonomy.

Madam President: Minister, you have five more minutes.

Sen. The Hon. F. Khan: I said, Sen. Mark, you are pushing an open door, but “doh kinda ram through the door”. Okay? The door is open, so “doh” bounce yourself in.

I make the point that I had proposed for Sen. Rambharat to propose the amendment on behalf of the Government, and I think the counter-proposal from Sen. Mark is palatable to us. It gives a tighter time line to which to conclude what we claim that we want to do. So, in essence cannot object to it, and I think it is a very good point of compromise between the Opposition, the Government, and the Independent Bench. So, in that context, Madam President, I want to agree with the amendment, and we will do so by showing support [*Desk thumping*] for this piece of legislation, and hope that when other Bills come to this honourable Chamber, we have the same sort of unanimity of support.

Madam President, I thank you.

Madam President: Leader of Government Business, I will have to ask the Minister of Agriculture, Land and Fisheries if he is minded to withdraw his amendment, therefore.

Sen. Rambharat: Madam President, with your leave, I seek to withdraw the amendment proposed.

Amendment [Sen. C. Rambharat] withdrawn.

Madam President: Hon. Senators, I will first put the question on the proposed amendment.

Be it resolved that this Senate call on the Government to introduce legislation on parliamentary autonomy during the Fourth Session of the Eleventh Parliament and have same referred to a Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament.

Question put and agreed to.

Madam President: So, I will now put the full Motion.

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

As whereas a legislative proposal entitled the Houses of Parliament Service Authority Bill, 2014 was laid in Parliament and referred to a Joint Select Committee in 2014;

And whereas the Joint Select Committee agreed that Parliamentary autonomy is essential to the recalibration of the existing relationship between the Executive and the Legislature;

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

Be it resolved that this Senate call on the Government to introduce legislation on parliamentary autonomy during the Fourth Session of the Eleventh Parliament and have same referred to a Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament.

Question put and agreed to.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, I beg to move that this Senate to now adjourn to Thursday 26 April, 2018, at 2.00 p.m. That is the day after tomorrow. During that sitting we hope to finish the committee stage of the Valuation of Land Act, and to start and proceed significantly into the debate on the Property Tax Act.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the Adjournment of the Senate. Sen. Mark.

Government's Policy (Re: Taxpayers' Moneys for Claim Settlement)

Sen. Wade Mark: Thank you very much. [*Desk thumping*] Madam President, this Motion deals with the Government's policy on the use of taxpayers' moneys to settle sexual harassment claims against public officials. And what this Motion is aimed at really, is getting from the Government its policy position on this particular matter.

Madam President, I do not have to bore you this evening with what has happened in this country over the last few weeks. And it is not something that is new, because we have had instances of it in the past, but this one has brought home, in a more significant way. Because the first time we learnt that in a matter involving a public official, who is now in retirement, we recognized that there was an attempt, and not only an attempt, an actual execution of an arrangement where some \$150,000 of the public funds were utilized by the State, by the Government, to settle a matter that, at the end of the day, the public would have been none the wiser, because of the nondisclosure nature of the settlement.

6.00 p.m.

And, Madam President, you know, the Government has set up a three-person committee and I myself do not have confidence in that committee, because we heard from the Minister in the Office of the Prime Minister, when he came here recently, where he was indicating that if this committee were to find this person not guilty or bring in a report that is clean, then it is left to the Prime Minister to reinstate the individual.

So one gets the impression from the utterances of the Minister in the Office of the Prime Minister that this seemed to be a set-up, this committee that they have established, led by some Jackie Wilson and including Elaine Greene—

Sen. Baptiste-Primus: Do not say “some Jackie Wilson”.

Sen. W. Mark: Well, Jackie Wilson, former Permanent Secretary of the—I want to know something, you know. I have been hearing a rumor and maybe I can ask you, Minister of Labour and Small Enterprise Development, can you tell me if there is any association between that individual and the General Council of the PNM?

Madam President: Sen. Mark, [*Crosstalk*] please, I would ask you to really, yes, be relevant to your Motion, please. [*Crosstalk*] Members, Members, please. Sen. Mark, just take a seat, please, just for one minute. Please, let us conduct this debate in an orderly fashion. Confine your comments to the Motion that you have presented and please let us be careful about calling members who are not members of the Parliament, their names in the Parliament, how we treat with them.

Sen. W. Mark: Madam President, thank you for your guidance. It was on Monday April 23, 2018, that I read in this article by Reginald Dumas and I want to draw to your attention a little section of it. And I am quoting from the newspaper

here, Madam President. We know that a payment was made to the personal secretary whose name I would not call, based on your advice. This individual was paid \$150,000 from public funds; according to Mr. Reginald Dumas this would be entirely wrong. He said:

“If”—the public official—“sexually harassed the lady, he would not have done so in execution of government policy (and even if he had, he and the Government would have a case to answer).”

He goes on to say, it:

“...would have acted...he”—that is, the public official—“would have acted in his personal capacity, and it would therefore be for him to pay.”

So Mr. Dumas went on to ask the question:

“...who would have instructed that the payment be made from taxpayers' money (if that was indeed the case)? What does the Minister of Finance have to say?”—on this matter.

Madam President, he goes on to say:

“It”—is not—“only the politicians. Who would have authorised such a payment?”—because—“The role and functions of the accounting officer in a ministry are very clearly set out in the Financial Regulations of the Exchequer and Audit Act. The officer”—and I quote—“shall be responsible for ensuring that public funds entrusted to his care are...applied only to the purposes intended by Parliament.”

He goes on to say, Madam President:

“(Parliament would not even have known about this bassa-bassa, let alone intended anything).

And if the officer and his or her minister disagree, and the latter insists on

pulling rank, the officer 'shall accept the (minister's) decision and act thereon only on the (minister's) written instructions...' Copies of such instructions and of the officer's objections 'shall be forwarded to the Treasury and the Auditor General.' Was this done? If so, how could you have a non-disclosure agreement involving public monies?"

So, Madam President, we need to get from the Government this evening, what is the policy of the Government on this question? If you have a situation where a public official harasses a worker, in this instance, personal secretary, and you go to the courts and you have a non-disclosure agreement and you pay that person out of taxpayers' money, Madam President, \$150,000 that we did not approve in this Parliament when the budget was passed, who is accountable, who is responsible for such a payment? And what Mr. Reginald Dumas is saying, that is not part of Government's policy. [*Desk thumping*] The public official in question was not executing Government's official policy when he sexually harassed the individual.

So, Madam President, the question that we need to know, and the country needs to know, is how is the Government treating with this matter? For example, in a matter like this should not the public official be personally liable and accountable and responsible? [*Desk thumping*] Should the public official, Madam President, not pay out of his own personal savings that \$150,000 and not take that from the taxpayers' purse? These are questions that we would like to know. And, Madam President, what is even more serious, can a Government that believes in democracy, transparency, openness and accountability support non-disclosure agreement? [*Desk thumping*]

And finally, Madam President, we would like to know, I am seeing the

Attorney General here, what was the role of the Attorney General in this matter? Did the Attorney General advise anyone on the non-disclosure agreement? Did he play a role, if any? Let the Attorney General indicate to the country today, what role, if any, he played in this matter, because the country is concerned and we are hearing rumours about his role in this matter. So, Madam President, the country is calling for answers and my position is to represent their interest this evening by articulating this matter and seeking to get answers from the Government to this matter. Thank you very much, Madam President. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President. [*Desk thumping*] Madam President, I thank Sen. Mark for the Motion on the Adjournment. Indeed, the issue of sexual harassment is a very real one in our society. Sen. Mark was correct when he said that this is not a new issue and it has been around before. One need only recall when high-ranking government officials, in the period 2010 to 2015, met themselves on the front page of newspapers where allegations of demands for sexual services were alleged to have been made and the request was made all the much more a poor and disastrous demonstration of policy when the quid pro quo was supposed to be the giving of a home, that most basic and cherished of entities.

My learned friend, Sen. Mark, would also remember when another high-ranking official, in the period 2010 to 2015, under the then Government was accused of a form of harassment which involved a gentleman accusing another gentleman of highly inappropriate sexual advances and behaviours. So I join Sen. Mark in saying that this is not a new issue, it is something to be treated with seriously. Sen. Mark said a little while ago, in quoting the very lucid contribution of Mr. Dumas in the newspapers, with reference to sexual harassment that it is certainly—a belief

had to be set out that one ought not, essentially as I took the argument from Sen. Mark, to be rewarded for these kinds of activities and advances, et cetera. But then one has to question the propriety of raising these issues when the repayment for the loyalty of certain persons is met by appointment to the head of a corporation in the present circumstance and scenario that we find ourselves in our role and governance.

So this is a very serious issue and I thank Sen. Mark for raising the issue because there are a lot of concerns across the board. Sen. Mark has asked a very pointed simple question—the need for the Government to state its policy on the use of taxpayers' funds to settle sexual harassment claims against public officials. This Government has absolutely no policy to support the use of taxpayers' funds to settle sexual harassment claims. We have no such policy.

Sen. Mark asked a very pointed question. What was the role of the Attorney General in a matter that has occupied certain amount of public prominence in relation to allegations of this type and I can say with certainty that the Office of the Attorney General, all three Cabinet Ministers involved in that particular office and I as Attorney General had no role or function by way of advice or knowledge in relation to any of these matters on the public record. And that is the simple position.

I commend the hon. Prime Minister for having the foresight to put in place a fact-finding enterprise, headed by one Jackie Wilson, who Sen. Mark has forgotten quite quickly, because it was the same Jackie Wilson who was Permanent Secretary for a Ministry that my learned friend Sen. Mark headed at one point. It is the same Jackie Wilson who was appointed to the committee that looked to the dismantling of the Special Anti-Crime Unit of Trinidad and Tobago. So I cannot

understand now such an eminent public servant, now in retirement could be forgotten so quickly and unfortunately by someone with as good a memory as my learned friend Sen. Mark.

Madam President, this Government intends that—as the saying in Trinidad and Tobago goes, “every top shall stand on its bottom”. The facts will be produced. The reports will be made clear and certainly the policy of this Government is not to support the use of taxpaying dollars for any claim in sexual harassment. That is not to be confused with payments which come about in the cost of litigation or dispute resolution which are not sexual harassment. If, for instance, the claim, as recent claims have been, are centred around unfair dismissal or improper process or claim against the CPO or claim against a Ministry, that is an entirely different position. The clarity between the two, whether one is sexual harassment or one is, in fact, an unfair dismissal that can be brought to attention by a fact-finding exercise and certainly the exercise of transparency in having neutral entities involved in such an exercise is to be commended. I thank you, Madam President. [*Desk thumping*]

**Petrotrin Oversight
(Separation of Functions)**

Sen. Taharqa Obika: [*Desk thumping*] Thank you, Madam President. The matter which I seek to raise is the failure of the Government to establish the appropriate mechanisms to ensure the separation of the board oversight function from that of the executive management at state enterprise known as Petrotrin.

There seems to be a wall of silence at Petrotrin which is evolving into a wall of shame that goes against the grain of transparency which is at the heart. The matter of the heart of this is the appointment of the executive board members

Petrotrin Oversight
(Separation of Functions)
Sen. Obika (cont'd)

2018.04.24

where there is no distinction between the oversight function and the role of the executive, which is a central tenet in corporate governance. Especially when it comes to the management of the extractive industries in this country, this goes fully against the grain of the concept of transparency and it is more akin to the evil of “opacity” or “opaquity”. I seek our grammar correctors in this case.
[Laughter]

This wall of silence will erode the checks and balances needed to prevent corruption. The old vintage of PNM corruption is now repackaged in a new vintage under the Rowley-led PNM. I wish to turn our attention to two articles in the newspapers—

Hon. Al-Rawi: 46(4), Madam President.

Madam President: Continue Sen. Obika, but be aware of your language as you move on.

Sen. T. Obika: Thank you, very much, Madam President. [Desk thumping] So when you throw stones you call no foul. The Minister of Energy and Energy Industries, hon. Franklin Khan, is on record describing the scenario which led to the dismissal or resignation of the President of Petrotrin, Fitzroy Harewood, and stated that three replacements would be sought for exploration, production, refining and marketing and as well as administration respectively and that an interim board was appointed as a transition team for a maximum period of six months.

However, when you look at the submission of the Chairman of Petrotrin, that is Mr. Wilfred Espinet, he went on to state, and this is captured in a *Newsday* article on the 15th of March, 2018, that the same team in charge of finance and administration, refining and marketing, exploration, production, emergency

response will be in place for two years, which is at variance with the Minister's position. So could the hon. Minister in response after my submission, please enlighten—which is correct, is it the Government's position or is it the Chairman of Petrotrin's position?

The hon. Minister also went on to say that Cabinet on March 8th appointed them as executive directors so they can be authorized to perform executive and managerial functions. Again, this goes against the grain of the separation, the distinction between the board members and those that form executive management in any enterprise, especially the jewel of the crown, which is Petrotrin, our main oil company in this country.

Now, the chairman of the board stated that as a board they are now dealing with how to make Petrotrin competitive. And it entails the comprehensive restructuring, which includes:

“...a managerial overhaul, better accountability and transparency, a cultural makeover, and balancing the interests of stakeholders like the government and the union...”

So basically, they are looking to reengineer the organization. And:

“The company has announced a separation of the company into two distinct businesses: one focusing on exploration and production”—which will be the upstream—“and another on refining and marketing”—as they go downstream towards the commercialization of the oil so extracted.

—which again is at variance with the initial plan to separate Petrotrin into four entities.

So, Madam President, could the Minister of Energy and Energy Industries clear the air on that as well. It seems that the Government, the Cabinet is not

singing from the same hymn sheet as the persons they appointed to head Petrotrin.

Mr. Espinet also went on to point to some criticism the board has faced as non-executive with de facto power of executives during this transition period. And he found that persons should not be preoccupied with designation. But I think that the chair of Petrotrin should focus on his job because it is the job of the people of Trinidad and Tobago to be critical of their Government when they do not believe their taxpayers' dollars are being administered to their liking.

Also, Mr. Espinet went on to say:

“...that there was a culture of hierarchy endemic at Petrotrin, where leaders were more preoccupied with status than leading and motivating their workers.”

This was advanced to basically assuage the fears of the members of the public regarding this non-separation or non-distinction between the chairman and members of the board and executive management. But this is no justification, provides no comfort because at Petrotrin what we find, Madam President, is “himself to himself” in the case of a chairman running as an executive chairman and that is untenable.

“Asked”—by the media about—“the compensation package...for the executives...as well as the remuneration for the new members of the transition team, Espinet said there was a limitation in the Freedom of Information Act”—which—“prevented him from divulging specifics on personal agreements.”

But I want to advance, Madam President, that we are not taking that. That is by no means an excuse for a wholly unreasonable explanation, taxpayers need to know what they are being paid. Just as we know what is being paid to the head of

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WASA, to the different institutions of state, once you are using taxpayers' dollars, Petrotrin is a state-owned enterprise, we must know what you are being paid.

This wall of silence at Petrotrin again goes against the whole tenet of extractive industries, transparency initiative. Regarding separation of powers, there is an article from Harvard Law School, Forum on Corporate Governance and Financial Regulation, posted by Matteo Tonello, on September 01, 2011, entitled:

“Separation of Chair and CEO Roles”

And there is one point made regarding the agency theory of management that:

“...the separation of the chair and CEO roles increases the board's independence from management and thus leads to better monitoring and oversight. Because the CEO manages the company and the chair leads the board in overseeing...”

The board of an institution decides what are the right things and the management does the things right.

So the board decides what are the right things, the management does the things the right way. However, when both are subsumed into one entity there is a challenge, there is conflict, and independence contributes to transparency as the reporting mechanisms between the executive management and the board of directors provide for checks and balances to power. So what we are seeing in Petrotrin is an absence of these checks and balances because all of the institutions of the board and executive management are subsumed into individuals who really report “himself to himself”.

Madam President, may I ask how much more time I have?

Madam President: Two minutes.

Sen. T. Obika: Thank you very much. So I will go to an example of such. There

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are blurred lines between the public and private sector causing problems for governance. This is one of the main issues regarding a resource-rich country, that the Natural Resource Governance Institute pointed to. Blurred lines between public and private sector causing problems for governance and politicians participating inappropriately in the mining sector. We have one key example here, Vidya Deokiesingh at Petrotrin and A&V Oil and Gas \$80 million fiasco. [*Desk thumping*]

The governance fixes for this country are thus: transparency, better oversight and stronger rules. Information on beneficial ownership extractive contracts and extractive revenues are important. We will be coming to this Government to disclose what are, who are the beneficial owners and regarding full disclosure for licensing bids, contracts between state and participants, in light of this current fiasco at the state-owned Petrotrin, Madam President.

The payments the companies make to government must be disaggregated to the project level to uncover underpricing and mispayments. And this is important for persons at the community level, the fence-line communities to really be part of the extraction of the resources from under their soil. Therefore, transparency is the bottom line and the results—the system that is being promoted at Petrotrin now can result in elite capture of the rents from the extractive sector. And this type of policy is definitely not in line with the natural resource charter and resource governance index, as well as the Extractive Industries Transparency Initiative which we have signed on to, Madam President. I submit that what is happening in Petrotrin is untenable and the Government must account. Thank you very much. [*Desk thumping*]

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

Khan): Thank you, Madam President. Madam President, let me start off by saying Petrotrin is nobody's fiefdom. It is not the fiefdom of the Government through the Cabinet; it is not the fiefdom of the board; it is not the fiefdom of the management; nor is it the fiefdom of the trade union.

Madam President, Petrotrin is not an academic exercise. Petrotrin is the single most challenging commercial entity that this Government faces. When we came into office as a Government under this Rowley-led administration, I am not saying who is responsible, what successive administration caused and multiplied or divided or how they did it, but when we came into office and when I became Minister of Energy and Energy Industries, listen to the issues at Petrotrin: its indebtedness, TT \$11.7 billion; indebtedness with a bullet payment of US \$850 million due in 2019, November; long-term debt to equity was 0.7:1; working capital deficit of \$657 million; outstanding taxes and royalties of \$3.2 billion to the State. Mr. Imbert say, Petrotrin is a ward of the Minister of Finance. Oil prices are going up, Petrotrin is the largest producer of oil, 42,000 barrels per day out of the 71,000. Petrotrin has not made a cent royalty payment. Oil prices are above \$50 a barrel, so that means they are subjected to supplemental petroleum tax. BP paying. BP on the ball. As the month end reach, you get the cheque. Petrotrin is not doing that.

The high operating costs, it is the only company in the world as an energy company whose wages and salary make up 53 per cent of their expenditure. In a highly capital-intensive industry as that, this is untenable. The lifting cost in Trinmar, Trinmar used to be the jewel of the crown. When I was working at Petrotrin in the '80s Trinmar's lifting cost was \$12 a barrel. Trinmar's lifting cost now is \$43.89 per barrel, for most of 2015 and 2016 oil was below \$43 a barrel.

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The lifting cost on E&P is \$39 a barrel. I never heard where Trinmar's lifting cost was higher than land lifting cost in my life until I became Minister of Energy and Energy Industries. Well, "doh" talk about the refinery.

Refinery utilization is a mere 59.3 per cent; major cost overrun on the ULSD Plant. And most importantly, let me just spend a 30 seconds to explain this, there is something called the net refinery margin. So for every barrel of crude that the Pointe-a-Pierre refinery refines, they are losing US \$2 to US \$3 per barrel. And hear what you are doing, of the 150,000 barrel throughput through the refinery you are importing 100,000, you know. So you are importing oil using your US currency to lose \$2.50 for each barrel of oil you refine. Poor asset integrity.

The Prime Minister is on record as saying, when he goes to sleep in the night his biggest nightmare is to get up and see a big oil spill in the Gulf of Paria. So these are the challenges we face. The human resource capacity is weak. The management is weak, the work processes are antiquated and they are not in line with how a modern energy company runs. How it became so bad, God alone knows.

So, here we have a board coming in, they have to do something. The management, the existing managing, so to speak, gave way. We have to go on an international recruiting exercise now to get state of the art, best in class, fit for purpose, use all those nice phrases, but we need good managers. It is not me personally, as the Minister of Energy and Energy Industries, is not comfortable with the board holding executive power, you know, an executive authority. This administration is not in favour, and let me go on record and say, of any executive chairman or any executive director. We made an exception in this case because of the extenuating circumstances and, Sen. Obika, it is six months and not two years.

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The Cabinet has decided six months. So I hope that article is a misrepresentation of what was said.

So, the Board of Petrotrin is in an interim position and it is not unusual, contrary to what Sen. Obika said, where there are executive directors in the private sector. It happens in Neal & Massy all the time. It happens in ANSA McAL. In the energy sector, in Texas in particular, in the United States, you get somebody's card and they say President and CEO, Chairman and President. So there are a lot of executive directors in the energy sector, out of Texas in particular, and in the United States. It is a governance model that you decide as the shareholders what best fits your need. But a state enterprise, I would be the first to admit that I am more comfortable with a board being a board and a management being a management. The board sets policy as you rightfully said, they tell you what to do and you do it right, okay?

I want to give the country assurance that this current arrangement, it is temporary and it will last for a maximum of six months. We are in the recruitment exercise as I answer the question. We have Solomon and Associates and Mckinsey, which is probably two of the premium energy consultants, Sen. Ramkissoo could bear me out there, in terms of dealing with these types of issues that face oil companies.

6.30 p.m.

Petrotrin has to be salvaged, because if it is not salvaged, the State cannot prop it up for much longer. We want to give Petrotrin a chance because there are good people working in Petrotrin. A lot of fence-line communities depend on Petrotrin. Can you imagine Pointe-a-Pierre, Gasparillo, and Marabella without a Petrotrin refinery? Can you imagine the towns of Fyzabad, Santa Flora, Palo Seco,

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La Brea, Point Fortin, without Petrotrin? Its tentacles are long. It has a history of coming from UBOT, Shell, Texaco, now into Trintoc and now into Petrotrin.

So there is history in the company. As a geologist I can tell you there is still a rich asset base in the company, especially on the exploration and production side. What the company lacks is capital. How do you get capital? You have no working capital. You are up to your nose in debt. Your shareholder has no capital to give you. But to come out of the hole you are in you must invest significant sums of money to drill wells, especially offshore in Trinmar. Where “yuh” getting it from? And if you say, divest equity for capital, the union “coming at your throat and dey say yuh selling out”. Well, come and invest “de” money.

Through you, Madam President, Senators, Petrotrin is a crisis, and they are in crisis management mode. We do not hope that to stay beyond six months, where we will put in a professional management team, be it foreigners, be it nationals, be it nationals living abroad, but we must find the right skill-sets to run Petrotrin and to bring it out of its current dilemma. This Government is committed to doing that because the people of Trinidad and Tobago expect no less from us.

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

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.32 p.m.