

**SENATE**

*Tuesday, February 23, 2021*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**TOBAGO HOUSE OF ASSEMBLY (AMDT.) BILL, 2021**

Bill to amend the Tobago House of Assembly Act, Chap. 25:03 and to make consequential amendments to the Elections and Boundaries (Local Government and Tobago House of Assembly) Act, Chap. 25:50, brought from the House of Representatives [*The Attorney General*]; read the first time.

**PAPERS LAID**

1. Report of the Central Bank of Trinidad and Tobago (CBTT) to the High Court with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended December 31, 2020. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
2. Annual Audited Financial Statements of the Deposit Insurance Corporation (DIC) for the year ended September 30, 2020. [*Sen. The Hon. F. Khan*]
3. Report on the first withdrawal in the amount of US \$400.0Mn from the Trinidad and Tobago Heritage and Stabilisation Fund under Section 15A(3) of the Heritage and Stabilisation Fund Act, Chap. 70:09 for the year ended September 2020. [*Sen. The Hon. F. Khan*]
4. Report on the second withdrawal in the amount of US \$200.0Mn from the Trinidad and Tobago Heritage and Stabilisation Fund under Section 15A(3) of the Heritage and Stabilisation Fund Act, Chap. 70:09 for the year ended September 2020. [*Sen. The Hon. F. Khan*]

**UNREVISED**

Report on the third withdrawal in the amount of US \$300.0Mn from the Trinidad and Tobago Heritage and Stabilisation Fund under Section 15A(3) of the Heritage and Stabilisation Fund Act, Chap. 70:09 for the year ended September 2020. [*Sen. The Hon. F. Khan*]

5. Ministerial Response of the Office of the Attorney General and Ministry of Legal Affairs to the Twenty-Third Report of the Public Accounts (Enterprises) Committee, Fifth Session (2019/2020), Eleventh Parliament, on the Examination of the Audited Financial Statements of the InvestTT Limited for the years 2014 to 2017. [*Sen. The Hon. F. Khan*]

## **URGENT QUESTIONS**

### **COVID-19 Testing for Contact Intensive Jobs**

#### **(Implementation of)**

**Sen. Wade Mark:** Thank you, Madam President. To the hon. Minister of National Security: In light of the recent infection of three Immigration Officers and the quarantining of approximately 20 others, can the Minister indicate whether a regular testing COVID-19 programme for persons in such contact intensive jobs will be implemented?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much. Thank you very much, Madam President. Madam President, first of all, I would like to take the opportunity to thank the immigration workers as being frontline workers from day one when we began dealing with this pandemic, almost a year ago with our first positive case on the 12<sup>th</sup> of March. Our immigration workers at all levels and all institutions, all offices have been doing yeoman service. So I put on record a thank you to them.

Madam Speaker, throughout this pandemic, we have been guided by the

public health experts. Immigration is no different. So once any immigration officer tests positive, the whole shift, those who are in contact, as a result of contact tracing, who are in proximity, would be sent on quarantine. So there is nothing unusual. With these particular circumstances, a number of immigration officers—it was one initially tested positive. The others, as a result of testing, were then picked up and tested positive. The shift sent on quarantine. We continue throughout the whole public service as well as the private sector—that is how you deal with it in an office environment.

With respect to testing, we continue to be guided by the Ministry of Health, the CMO and his team, and their provisions and protocols for testing remain the same. Persons are tested once they present any symptoms or as a result of contact tracing, on occasion, the primary contacts are tested and that continues to be the protocol for testing throughout Trinidad and Tobago in the public service and the public health care sector.

**Sen. Mark:** Yes. Can I ask the hon. Minister how many immigration officers have been sent on self-quarantine?

**Hon. S. Young:** Madam Speaker, I do not—sorry, Madam President, I do not have the exact amount but I believe the figure that Sen. Mark quoted of 20, that was first the amount I was told when I first became aware over the weekend, the shift of 20. What I would also like to say is when we became aware of this, we were in contact with the Airports Authority and I would like to thank the Airports Authority for the sanitizing that they then did over all of the immigration areas at the airport as a precautionary measure.

**Sen. Mark:** Madam President, through you, to the hon. Minister: In light of this development, can the Minister indicate what steps or measures have been taken to increase or ramp-up, let us say, the necessary protocols, including equipment and

clothing for these frontline workers?

**Hon. S. Young:** First of all, Madam President, I would like to say that from day one we were very aware of frontline workers, in particular those in immigration who have to interface with the public, potentially being at more risk, and steps were taken. Those steps remain in place. The provision of PPE equipment to all of those on the frontline, the necessary sanitizing on a daily basis of their areas, et cetera, or on an as needs basis, that will continue to be done. We are always open to listening to if they have any other concerns but it is the provision of PPE gear and equipment to them and sanitization of their work spots. What I would like to end by saying, Madam President, there is no evidence at this stage that this was contracted—the virus was contracted by the initial immigration worker in the line of duty and at work.

### **Defective Compactors in Bon Air Gardens and Environs**

#### **(Steps Taken to Address)**

**Sen. Wade Mark:** Thank you, Madam President. To the Minister of Rural Development and Local Government: Given the issue of defective compactors in Bon Air Gardens and environs and the consequent odour and scattering of garbage, can the Minister indicate what steps are being taken to address this issue which is affecting the health of residents?

**The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein):** Thank you very much, Madam President, and I want to thank Sen. Mark for this very important question. The health and well-being of all burgesses remains a priority for this Government and in this regard, of utmost importance to the Tunapuna/Piarco Regional Corporation. Based on reports received two weeks ago, a sanitation team was sent immediately on the site. However, there was no evidence of scattered garbage or prudent odour. Subsequent

to this, the Chief Executive Officer of the Corporation directed the workers that once a report of this nature is received, the area is to be washed and sanitized immediately.

As it relates to the defective compactors, an urgent inspection of all trucks in the area was ordered. The Tunapuna/Piarco Regional Corporation performs routine checks twice a year for each contractor and once such check is carded for the month of March 2021. However, in the light of the concern raised, the scheduled inspection for the said garbage compactor was brought up this month. Thank you.

**Sen. Mark:** Can the Minister indicate when the inspection of these defective compactors will be effected, Madam President?

**Sen. The Hon. K. Hosein:** When it will be?

**Sen. Mark:** Effected. You said that it has been brought up this month. Can you tell us when specifically when?

**Sen. The Hon. K. Hosein:** Yes. Well, I have the details where these trucks were inspected and they had replacement trucks. But for the particular inspection, it will be done in the first week in March.

**Sen. Mark:** Yes. Can I ask the hon. Minister whether the contractors who are involved in this exercise—whether, for instance, the compactors that are being utilized have been subjected to the Tunapuna/Piarco Regional Corporation to what we would want to describe as regular inspection, meaning once every year, once every six months.

**Madam President:** Sen. Mark, I believe that question was answered by the Minister.

**Sen. Mark:** Can I go on to ask on behalf of Sen. Lutchmedial who I understand is running a bit late, Madam President?

**Madam President:** Yes.

**Disruptions of Water Supply Nationwide****(Response to)**

**Sen. Wade Mark:** To the Minister of Public Utilities—where is the Minister of Public Utilities?

**Madam President:** Could you ask the question?

**Sen. Mark:** Given the increasing number of reports of water supply disruptions nationwide, can the Minister advise as to the immediate to short-term response to provide relief to those negatively impacted?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. Madam President, the Minister—I stand to answer this question on behalf of the Minister of Public Utilities and the Government by extension. The Minister of Public Utilities and the Government are aware of the disruptions being experienced in the supply of pipe-borne water to the population, especially in specific areas and has commenced the implementation of a short-term stabilization plan of action to improve the water supply to the population. This entails, inter alia, tapping into new water sources that can be readily brought into production, that is the drilling of new wells and the refurbishing of old wells; upgrading of plan and equipment, including the Caroni water treatment facility; more importantly, improving the management of the Water and Sewerage Authority and expanding where possible the capacity of truck-borne water supply.

**Sen. Mark:** Through you, Madam President, can the Minister indicate when these measures would be effected so that the residents and the citizens who are crying out for water can in fact receive water? Can you tell this honourable Senate?

**Sen. The Hon. F. Khan:** These initiatives are currently being effected and they are in a continuous process and as time goes by, they will become more and more

effected in alleviating the water situation in Trinidad and Tobago.

**Sen. Mark:** Madam President, through you, can the Minister confirm or deny recent reports that at a Cabinet meeting held a couple hours ago, a decision was taken to privatize WASA and to—

**Madam President:** Sen. Mark, I—Sen. Mark, I would not allow—[*Interruption*]  
Sen. Mark, I would not allow that question.

### ANSWERS TO QUESTIONS

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Madam President, there are six questions on notice and has become the norm, we will be answering all six questions. There is also one for written response and we will also be circulating that answer later in the proceedings.

### WRITTEN ANSWER TO QUESTION

#### State Enterprises and Statutory Authorities (Breakdown of Loans)

**73. Sen. Amrita Deonarine** asked the hon. Minister of Finance:

Can the Minister provide a breakdown, in TTD value, of loans guaranteed by the Ministry for the period October 2019 - November 2020 for each State Enterprise and Statutory Authority?

*Vide end of sitting for written response.*

### ORAL ANSWERS TO QUESTIONS

#### University of Trinidad and Tobago Project (Explanation of Tamana Campus Budget)

**59. Sen. Wade Mark** asked the hon. Minister of Education:

Having regard to the 2017 increase in the budget of the Tamana Campus, University of Trinidad and Tobago project, from \$975.5 million to \$1.5

million, can the Minister provide an explanation for the approximately 50 per cent variation in said budget?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, thank you very much. Madam President, the question is based on a false premise. The budget for Tamana Campus of the UTT was not increased in 2017, as my friend Sen. Mark said. That budget was increased, Madam President, in 2013. Specifically, Madam President, in July 2013, the UNC Government at the time agreed that the cost of the building, the Signature Building Complex, would be increased to 1.501 billion. That increase was in 2013 but not in 2017. Thank you.

**Sen. Mark:** Madam President, can the Minister indicate when that increase was effected? The decision that you mentioned that was taken by the UNC, when was that decision effected? Was it under your administration?

**Madam President:** Sen. Mark—

**Sen. Mark:** I am asking a question, Madam President.

**Madam President:** I know and I am deliberating as to whether that question is relevant. Minister.

**Sen. The Hon. C. Rambharat:** Madam President, I thought I made it clear. The use of the word “specifically”—specifically in June 2013, the previous administration, the UNC administration, increased the budget to \$1.501 billion.

**Sen. Mark:** All right. Madam President, can the Minister indicate and explain to this honourable Senate why the current budget for this Tamana Campus has gone to \$2.1 billion?

**Madam President:** Sen. Mark, I would not allow that question. It does not flow from the question posed. Next question, Sen. Mark.

**Sen. Mark:** Madam President, can the hon. Minister indicate whether there is any



time frame, given this project being signed off some years ago—can the Minister advise this Senate when can we expect this project to be completed?

**Madam President:** Sen. Mark, that question does not arise based on the question posed and the answer given. Do you have any more supplemental questions?

**Sen. Mark:** Madam President, I will go on to question 60.

**China Jiangsu International Economic and  
Technical Cooperation Group, Ltd  
(Termination of Contractual Arrangements)**

**60. Sen. Wade Mark** asked the hon. Minister of Education:

In light of the delay in the completion of the Tamana Campus, University of Trinidad and Tobago, can the Minister state whether the Government intends to terminate its contractual arrangements with China Jiangsu International Economic and Technical Cooperation Group, Ltd?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Madam President, the Government does not intend to terminate the contractual arrangement with the China Jiangsu International Economic and Technical Cooperation Group, Ltd.

**Sen. Mark:** Madam President, can the Minister indicate that a similar situation that is occurring at that Tamana Campus, occurred with UWI project—that is the campus in Penal—causing the UWI to terminate the services of that company.

**Madam President:** Sen. Mark, what is the question that you are posing?

**Sen. Mark:** Does the Government intend to follow in the footsteps of the UWI?

**Madam President:** Sen. Mark, I would not allow that question based on the response given to the question you had posed.

**Sen. Mark:** Madam President, given the fact that this company has underperformed, can the Minister indicate what are the factors or reasons why the

Government is not taking a decision to terminate the services of this particular company, given the performances of that company?

**Sen. The Hon. C. Rambharat:** Madam President, this project is 89 per cent completed and it is expected to be completed in 2022. As Sen. Mark may know, sections of the east block of the Signature Building Complex, which his administration increased the budget to \$1.501 billion in July 2013, that east block is already completed and it is actually occupied by the staff of the UTT. Additional areas are scheduled to be completed in this early part of 2021 and occupied. And the ongoing activities include the work on the west block, the academic teaching area, the auditorium, the central plaza, the main cafeteria and the food court area. So the Government has been working with the contractor and the stakeholders are committed to the completion of this project which is currently at 89 per cent completion. Thank you.

**Sen. Mark:** Is the Minister aware this budget increased from 1.5 billion to 2.5 billion under his watch, under the PNM's watch—

**Madam President:** Sen. Mark, that question—

**Sen. Mark:** Can I ask the hon. Minister—

**Madam President:** Well, no, no, just one second. You just posed a question there that I am not allowing. You have one more question that you can pose.

**Sen. Mark:** Yes. Can I ask the honourable—in fact, that was a run-up, you know, Madam President.

**Madam President:** Not really, you know, Sen. Mark. Ask your last question, please.

**Sen. Mark:** Okay. Madam President, you play cricket?

**Madam President:** Sorry? You have one more—

**Sen. Mark:** You play cricket?

**Madam President:** You have one more supplemental.

**Sen. Mark:** Madam President, can the hon. Minister indicate to this honourable Senate why it has taken so long, given the time frame, for this project to be completed? This project was supposed to be completed three years ago. Can the Minister indicate why the project is to be completed in 2022?

**Sen. The Hon. C. Rambharat:** Yes, Madam President. The project is to be completed in 2022 because it is now at 89 per cent and the remaining 11 per cent which is the west block, the academic teaching and learning area, the auditorium, the central plaza, the main cafeteria and the food court area has to be completed. And 89 plus 11 per cent, Madam President, brings us to 100 per cent in 2022. Thank you.

### **Police Service and Police Complaints Authority**

#### **(Investigation of Ms. Ornella Greaves' Death)**

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

Can the Minister provide an update on any of the investigations conducted by the police service and the Police Complaints Authority into the shooting incident, which led to the death of Ms. Ornella Greaves, during protests near the Beetham Highway on June 30, 2020?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam President. Madam President, I see that this question is really in two—referring to two entities, the police service and the Police Complaints Authority. I am informed by the Commissioner of Police that there is an ongoing police investigation into this most unfortunate incident that took place on the 30<sup>th</sup> of June last year, where a young lady lost her life and afterwards it was found out at the end of a stray bullet. The second part with respect to the Police Complaints Authority—so there is an

ongoing police investigation. I cannot say anything more about it because that is ongoing, and I was informed of that by the Commissioner of Police.

With respect to the PCA, I was a little surprised with the reference to the PCA. The PCA would only come in if there is a suspicion or there is evidence that the police were involved. I believe at the time, initially, it was thought that from the social media videos that was circulating. But I believe thereafter there was no evidence that the stray bullet did come from the police and the police who were on the scene at the time came there as a result of something else that had taken place. So I am not aware of any investigation by the Police Complaints Authority.

**Sen. Mark:** Madam President, through you, because of the importance of this matter, can the Minister indicate whether the Government intends to pursue an independent enquiry into the circumstances surrounding the death of this young lady?

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

**Sen. Mark:** Madam President, can the hon. Minister indicate whether the Commissioner shared with him any time frame for the completion of this investigation?

**Hon. S. Young:** Thank you very much, Madam President. Madam President, the Commissioner just indicated there is an ongoing police investigation. He did not give me a timeframe for the completion of that. There is, in fact, in law also a procedure, the coroner's inquest that perhaps is an appropriate channel to be used in these circumstances.

**Sen. Mark:** So can I ask through the hon. President to the Minister, whether that is a preferred course that the Minister would like to suggest that the Commissioner of Police or the relevant authority pursue in order to get to the bottom of this particular matter involving the passing of this young lady?

**Hon. S. Young:** Madam President, it is not for me to make the suggestion or otherwise. There is a procedure in law. It is available in circumstances such as this. My personal belief it is something that is not used as frequently as it should be and it may be appropriate in the current circumstances that a coroner's inquest be launched to investigate this particular unfortunate incident.

**Madam President:** Sen. Mark?

**Sen. Mark:** Okay.

**Madam President:** Next question, Senator—

**Sen. Deonarine:** Thank you, Madam President. Question No. 74 to the Minister of Finance.

**Madam President:** Two.

**Sen. Deonarine:** 72, sorry.

### **National Insurance System (Feasibility Study)**

**72. Sen. Amrita Deonarine** asked the hon. Minister of Finance:

Can the Minister indicate whether a feasibility study is being conducted to examine the inclusion of sole traders and members of the informal economy under the National Insurance System?

**The Minister of Finance (Hon. Colm Imbert):** This matter has a fairly long history and in order to determine its feasibility, the Government of the day, in 2010, established and mandated a high-level working committee to consider the proposal for the incorporation of self-employed persons into the National Insurance System. Since then, a series of reports have been submitted by this Committee culminating in its latest report in 2020. In all studies over the years, the introduction of self-employed persons into the National Insurance System requires a substantial initial financial contribution by the Government in the millions of

dollars to cater for older and low income self-employed persons and it is not readily apparent that this contribution can ever be recovered.

While in the long term, the inclusion of more contributors in the National Insurance System should yield further income for the system, the initial cost to the Government appears prohibitive. At present, the 2020 report of that high-level Committee is being reviewed by officers of the Ministry of Finance and a presentation by the Committee to the Minister on its findings and recommendations with respect to this matter is scheduled to take place shortly.

**Sen. Deonarine:** Thank you, Madam President. Could the hon. Minister advise as to after the Ministry reviews this reports and the associated findings if this report would be readily available for public perusal?

**Hon. C. Imbert:** Now, I think something like that will be subjected to Cabinet approval. So we will see how it goes.

### **Central Bank Monetary Policy Report 2020**

#### **(Errors/Omissions)**

**74. Sen. Amrita Deonarine** asked the hon. Minister of Finance:

Having regard to references contained in the Central Bank's Monetary Policy Report, 2020 to the large number of errors/omissions on the country's balance of payments account, can the Minister provide reasons for said errors/omissions?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam President. Net errors and omissions are a balancing item in a country's balance of payments. The balance of payment is a statement of all transactions made between entities in one country and the rest of the world over a defined period of time. The Central Bank has advised that several elements of the balance of payments are estimated based on available data, which is not always accurate. And the compilation of the

balance of payments requires a number of activities to be carried out. These activities include a series of surveys administered by the Central Bank to resident, private and public sector financial and non-financial corporations and companies in the energy, manufacturing and service sectors, among others. Accordingly, the bank has advised that the net errors and omissions figure may be as a result of its own surveys, not including several companies or sectors coupled with a response rate that averages approximately 70 per cent.

It should be noted there is no material consequence if firms do not respond to the questionnaires or the surveys, so that moral suasion is the primary means of securing responses from companies with respect to the balance of payments. Another contributor to net errors and omissions are errors in reporting from entities sometimes due to unfamiliarity with technical concepts. However, as I am sure Sen. Deonarine knows, in a perfect world, a country's balance of payment should always balance.

**2.00 p.m.**

Goods, services and resources traded internationally are paid for, and every movement of product is thus offset by a balancing movement of money or some other financial asset. The current account and the capital account are thus always supposed to balance. In view of the reported size of errors and omissions in the balance of payments, the Minister of Finance has asked the Central Bank to propose ways and means of improving the accuracy of the information it gathers, and its methodology regarding the computation of the balance of payments, and it should be noted that the computation of the balance of payments is a direct responsibility of the Central Bank.

**Madam President:** Sen. Deonarine.

**Sen. Deonarine:** Thank you, Madam President. Through you, Madam President,

hon. Minister of Finance, could you advise us as to how soon the Central Bank would be in a position to report to you on improving the accuracy of the reporting of these questionnaires by various entities?

**Hon. C. Imbert:** Next month or so.

**Madam President:** Next question, Sen. Deonarine.

### **Budget Statement 2020/2021**

#### **(Financing Fiscal Deficit)**

**75. Sen. Amrita Deonarine** asked the hon. Minister of Finance:

Given the Minister's projection in his 2020/2021 Budget Statement that the fiscal deficit for 2021 is expected to total \$8.209 billion or 5.6 per cent of Gross Domestic Product (GDP), can the Minister advise as to the following:

- (i) has a decision been taken by the Government as to how the deficit will be financed;
- (ii) if the answer to (i) is in the affirmative, does the Government intend to engage in any domestic borrowing, external borrowing or drawdown from the Heritage and Stabilisation Fund to finance said deficit; and
- (iii) what is the TTD value of the funds to be acquired from the sources mentioned at (ii), if any?

**Madam President:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam President. In October 2020, a budget time, Cabinet agreed to the financing of the projected \$8.2 billion budget deficit for fiscal 2021, through the issuance of bonds on the domestic market on a quarterly basis or as required. However, if and when the need arises the Heritage and Stabilisation Fund will also be accessed.

**Madam President:** Sen. Deonarine.



**Sen. Deonarine:** Thank you, Madam President. Madam President, through you, Minister of Finance, could you advise based on your projections of revenues and expenditure, has there been any projection on changes in the amount of domestic borrowing, international borrowing and access to the Heritage and Stabilisation Fund for the existing fiscal year given the recent additional shortfall in quarter one revenues?

**Madam President:** Sen. Deonarine, I will not allow that question. You can ask another.

### **STANDING ORDER 43(1)**

**Madam President:** Leader of Government Business.

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. Madam President, further to the Motion passed on August 29, 2020, in relation to the suspension of the Standing Order 43(1), “Speaking Time”, I beg to move that a further adjustment to the time limit for speeches in debates during the period of the COVID-19 pandemic: 45 minutes for the mover, 40 minutes for the first responders on the opposite Benches, and 30 minutes for all other speakers and the Member wrapping up.

*Question put and agreed to.*

### **STANDING ORDERS REVERSION OF SPEAKING TIME**

**Madam President:** Sen. Mark, I remind you that you have 45 minutes.

**Sen. Wade Mark:** Yes, I am guided, Madam President. Thank you, Madam President. Madam President, I beg to move the following Motion standing in my name:

*Whereas* the Senate is asked to address amongst other things, complex legislation which necessitates focused deliberations;

*And whereas* the current global pandemic has impacted all aspects of life in

Trinidad and Tobago, including the Parliament. As such, on August 29, 2020, the Senate agreed that the “time limit for Speeches in Debates be limited to 30 minutes for the mover/Member wrapping-up and the first speaker on the Opposition and Independent Benches, and 20 minutes for all other speakers”;

*And whereas* citizens are being encouraged to adapt to the ‘new normal’ while observing COVID-19 safety protocols;

*And whereas* the business of the Parliament should similarly adapt to the ‘new normal’ by allowing for the full time for Speeches in Debates;

*Be it resolved* that the Senate revert to the speaking time as set out in the Standing Orders with immediate effect.

Madam President—I stop at what time, Madam President, may I be advised with my new experience?

**Madam President:** I beg your pardon?

**Sen. W. Mark:** What time do I stop, Madam President?

**Madam President:** You will finish at 2.50 because of your 45 minutes. So 10 to 3.00.

**Sen. W. Mark:** Thank you. Thank you so very much. Madam President, it was Harry Truman, the former President of the United States who said and I wish to quote:

“Once a government is committed to the principle of silencing the voice of the opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror to all its citizens and creates a country where everyone lives in fear.”

Madam President, the decision of the PNM Government to employ and deploy its majority to impose its decision on the entire Senate to reduce the

speaking time under the rubric or cover of COVID-19, represents a literal democratic backsliding, as well as a democratic recession and regression in our nation. Madam President, it is small and incremental and sometimes imperceptible changes to the citizens' fundamental rights and freedoms that ultimately lead to an imposition of a system of authoritarianism, and ultimately political tyranny in any country. We must stand up, we must fight back, and we must overwhelmingly turn back all transgressors and transgressions of our rights and freedoms in this Chamber.

It should be noted, Madam President, that these changes came just four months before a general election which took place in August of 2020, with the Parliament being partially shut down and Members' speaking time being severely truncated. Madam President, today, we on this side stand steadfast in defence of our democracy, in defence of our right of free speech, and ultimately in defence of this Parliament that we are all Members of. There is no greater abuse of a parliamentary majority than the use of that majority to evade the scrutiny of the minority. In other words, Madam President, when a government used its superior numbers to stymie and stifle debate, free speech and other parliamentary methods of ensuring accountability among others, then we can interpret and take this as a sign of a creeping dictatorship. Madam President, it is what Alexis de Tocqueville referred to as a tyranny of the majority.

Madam President, make no mistake at the heart of this Motion which I am presenting today, and the debate that is to be followed and that is taking place, is to expose what is called the unrestraint and largely unwise majority power which is seeking to avoid scrutiny in its actions and decisions. Too often we forget that Parliament is not constituted by brick, mortar and steel. It is comprised of the people's representatives who come here to speak on their behalf. We do not come

here to exchange pleasantries with our friends opposite. This is not a social club or a secret lodge. It is a crucible to test government policy and hold the Government to account, Madam President. Parliament is an institution. It is the only place where the Executive must account to the people of the Republic. It is a truism that accountability is only achieved through open and transparent debate.

Madam President, I would like to refer this honourable Senate to a case from South Africa which I came across while doing my research on this issue. The case, Madam President, is *Executive Council Western Cape Legislature v President of the Republic of South Africa*, 95(4) SA 877, and I quote:

“The reason why full legislative authority, within the constitutional framework mentioned above, is entrusted to Parliament and Parliament alone, would seem to be that the procedures for open debate subject to ongoing press and public criticism, the visibility of the decision-making process, the involvement of civil society in relation to committee hearings, and the pluralistic interaction between different viewpoints which Parliamentary procedure promotes, are regarded as essential features of the open and democratic society contemplated by the Constitution.”

Madam President, that quote places in context both the legal and practical argument about why we have moved this Motion. Our debates in the Senate are not academic or even theoretical. We are not mere pontificators. Our debates are meant to stimulate national discussion and contribute to national discourse on public issues. This is not only an essential feature of our democracy, it is the very essence and soul of a democracy. The virtual lifeblood, if I may add, to our democracy.

Madam President, when we look at this Motion we look at our constitutional arrangements, and they are such that the Government can use its majority to achieve its objectives without little resistance. It can pass law with simple majority.

It can wield executive power under the fiction of discretion, and it often uses subsidiary legislation to subvert legislative intent. In our constitutional system the Government is a kind of leviathan, Madam President, where it is almost like a bureaucratic beast within a cage that is free to roam with little inhibition. How do we tame this beast? How do we ensure that while Government is carrying out its mandate, and focused on its objective, that the dissenting views of our society are given proper voice? Madam President, it is the Parliament, this hallowed institution which must on occasion slay the leviathan and tame the beast. It is the only bulwark against otherwise unchecked executive action. It is where the people of Trinidad and Tobago can observe what should be detailed discussions and debate on these measures.

Madam President, the short point is that the Government is such a large creature within our democratic ecosystem that any policy or measure which it introduces, inevitably will have a rippling effect throughout all sectors of our nation. The Opposition, Madam President, in the Senate is made up of only six Senators and we are to debate measures. Madam President, when you combine that, it gives us approximately just about two hours given the previous arrangement before the hon. Leader of the House introduced his new amendment to the previous Motion. We only had two hours and 30 minutes to present the Opposition's arguments on measures which at times are very complex. That is simply insufficient and ought not to be countenanced in a democratic society.

Madam President, the Opposition has an indispensable role in our democracy. It is our responsibility to give persuasive voice to the dissenting views of all sectors of our society. That is a co-feature of Opposition politics. It is not that we oppose for opposing's sake. We must ensure that alternative arguments and viewpoints are fully expressed to the Government. Even the simplest of measures,

Madam President, can have diverse permutations that require sufficient time in this Parliament to carefully discuss and examine every aspect of proposed legislation.

We have had Bills, Madam President, presented to us which have purported to amend several different pieces of legislation. Madam President, I recall we had a Bill called the Miscellaneous Provisions (Amdt.) (No. 2) Bill; there were over 34 laws housed in that piece of legislation for us to debate in 20 minutes. Madam President, that cannot be fair. We would be negligent in our duty to the people of this great country if we did not spend sufficient time discussing how proposed legislation would even affect existing and other pieces of legislation, Madam President. We have done our research and it does appear that outside of the Trinidad and Tobago Parliament there is no other parliament in and out of the Commonwealth that has reduced the speaking time of its members of parliament. I challenge the Government to produce any evidential documented information where other parliaments have truncated the speaking time of members of parliament. [*Desk thumping*]

Madam President, it should be noted that other countries like ours would have had to take precautionary measures as it relates to the COVID pandemic, and we have adopted a series of those measures like social distancing, closures of our public galleries, special hygiene measures, temperature checks, hand sanitizer, frequent cleaning of surfaces, remote working for non-essential staff, some virtual sessions, and, Madam President, maximizing the use of technology wherever it is possible. These are things that all parliaments have embarked upon, but with the emergence of the COVID-19 pandemic parliaments around the world, Madam President, have had to make adjustments, and we understand the need for adjustments to the usual *modus operandi*. Madam President, I want to quote from the Commonwealth Parliamentary Association's April 2020 publication entitled,

“COVID-19, CPA Toolkit for Commonwealth Parliaments” and I quote:

“In order to...preserve the operation of Parliament, during a...global pandemic whereby the key functions of Parliament as a legislative body are arguably most needed, it is crucial that Commonwealth...”—parliamentarians—“...take appropriate,”—reasonable and—“proportionate...measures...”

I want to repeat:

“Appropriate,”—reasonable and—“proportionate...measures to facilitate...”

Madam President:

“It is the responsibility...”—it goes on to say that—“...all Parliaments and Legislatures to scrutinize all legislation and policies proposed by the government. This includes the routine laws required to run the country and”—even—“the emergency powers that the government...”—may propose—“...as any global pandemic unfolds.”

So, Madam President, this is extremely critical. We have to recognize and I want to end this quotation by saying—by quoting rather:

“Although Governments do have the option to propose procedural changes”—as this Government exercised—“to facilitate alternative ways of working,”—the Commonwealth Parliamentary Association is stating—“it is for the Speaker”—and I dare say the President—“and the House Procedure Committees”—which will be the Business Committee and the Standing Orders Committee—“to decide on the most appropriate action to be taken.”

Not the Executive, but the parliament committees should meet and discuss these measures, Madam President.

Madam President, the time limit for speeches is governed by Standing Order

43 and it is set out at Appendix I of the Senate Standing Orders. For example, Madam President, in Motions the mover is allotted 45 minutes whilst other speakers are given 40 minutes and, of course, the reply is 45 minutes. Madam President, it was on August the 29<sup>th</sup>, 2020, that the Leader of Government Business in the Senate, the hon. Franklin Khan, moved a Motion that Standing Order 43(1), I think at that time, be suspended during the period of the current global pandemic, and that the time limit for speeches in debates be reduced to 30 minutes for the mover and the first responder, and 20 minutes for all other speakers with absolutely no extensions.

Madam President, the record would show that when a division was taken on this Motion, 17 Government Members voted for, 13 Members of the Senate voted against, however, the Motion was adopted. Madam President, those speaking times are also reflected in the other place and remain so as we speak. However, only once for the budget debate on the 5<sup>th</sup> of October, 2020, and at the request of the Opposition via a letter to the hon. Speaker dated the 30<sup>th</sup> of September, 2020, was the speaking time increased. The mover and the first responder reverted to unspecified speaking times, all other speakers were granted 45 minutes speaking time with no extensions. Madam President, these things were taken, as I said, unilaterally by the Government. They did not seek and did not work towards consensus.

Madam President, do you know in Australia, and I understand in the Commonwealth of the Bahamas, you cannot suspend Members' speaking time without an absolute majority in the Parliament? You cannot do that. It is infringing Members' speaking rights; it is infringing Members' freedom of speech; it is infringing Members' freedom of expression. That is why it must be jealously guarded by all of us as Members of this honourable Chamber.



Madam President, we looked at the United Kingdom. They have done what we have done, no visitors to our beautiful building even though it cost a lot of money “and a gate falling down on man”. Even though—but there are no visitors, Madam President, to this iconic structure. This is what is happening in countries like the United Kingdom. Everybody has agreed, but you know how it was done, Madam President? By consensus, by agreement. Not by an imposition, not by using your majority to impose your will on the minority. That is not how it was done, Madam President. So whether you look at the United Kingdom, we looked at Australia.

Madam President, we have the research here in detail, but I know even though I have 45 I will need 120 minutes to detail all this research that we have conducted on this matter, but I will just give you a smattering of the elements involved in these exercises by these countries, Madam President, you know? So in Australia, Madam President, they too suspended full sittings of their Parliament in March to June of 2020. Standing Orders were amended on the 23<sup>rd</sup> of March to enable Motions to suspend Standing Orders without notice to be carried by a simple majority rather than an absolute majority. So in Australia the Standing Orders are clear. You cannot truncate Members’ speaking time without an absolute majority. So, Madam President, you know what they had to do? They had to amend the Standing Order temporarily in order to facilitate that objective.

And, Madam President, as I am on this subject matter, may I also bring to your attention a conundrum that is causing some level of concern and maybe at the appropriate time you can guide the Senate.

**2.30 p.m.**

Madam President, it should be noted that only Senate Standing Orders 43(1) and 112(1) which were used not only to reduce Members’ speaking time but to

suspend the Standing Order. The question is, you can suspend, based on our research, the Standing Order 43(1) but for a specific purpose and for a specific time. It cannot be until the pandemic ends. If that is the case, the Government ought to have summoned the Standing Orders Committee so that the Standing Orders Committee could have made the appropriate amendments to the Standing Order and bring it back for debate and discussion among our Senators here. Because this thing was going on forever until I said, listen, as the defenders of democracy in our beautiful country, enough is enough. The UNC has had enough and we said we had to file this Motion to bring the Government to its senses. [*Desk thumping*]

Madam President, never forget, this did not happen in August you know of last year after the elections. This started in this Senate almost on the 2<sup>nd</sup> of April, 2020. So it is almost nine months. In fact, if we go from the April, leave out the month of July when the Parliament went on recess and you had the date being announced in July for the elections in August, it is almost nine—we are reaching almost a year. We are now in February, March and April. So it is almost about 10 months we have been stifled, we have stymied, we have been literally muzzled as the Opposition by the Government using its heavy hands via its majority to curtail our speaking time. That is wrong.

And, Madam President, I would like to ask your good self as our Presiding Officer whether this decision via the Motion did not violate and breach our Standing Orders because we never called for an amendment to our Standing Orders. We suspended a Standing Order but the suspension should have only taken place for a specific and extraordinary matter, not to go for nine or 10 months. If that is the case, go and amend the Standing Order. And, Madam President, I would really like your interpretation of this matter because we do not want this breach to

ever be committed by any other Government in the future. If you want to have us locked down and put plasters on our mouth not to speak beyond 20 minutes, amend the Standing Orders. Do not come and tell us you are suspending the Standing Orders when the power of the Standing Orders really does not give you that authority to so do unless you amend the same Standing Order.

So, Madam President, I went to Australia briefly and I am indicating to you that they had their challenges but they agreed. There was consensus by the Australian parliamentarians. They went and they amended their Standing Orders and through that process, they were able to agree when to meet, how to meet, how long they will take, but it was based on consensus. It was based on an amendment to the Standing Orders.

Madam President, you go to New Zealand and you see in the New Zealand Parliament on the 25<sup>th</sup> of March, 2020, the Parliament announced that they—to make sure parliamentary oversight and representation can continue in response to COVID-19 outbreak, Members have agreed to allow special epidemic procedures to be used during the lockdown period. This is the problem that we have in our country. This is the problem we have in our Parliament. The Government with wafer-thin, razor sharp majority imposes its will on the masses of the country but that is not a proper course to take. You need to build consensus. Trinidad and Tobago currently is in a free fall and to save this country, the Government might have to call on us to help them but I do not know if I would want to help them, I might want to push them but I guess as a patriot, I may want to reconsider. Madam President, New Zealand had their experiences.

Madam President, we went to the Caribbean, we went to the Caribbean Parliaments. Jamaica, their Standing Order is Standing Order 32, subsection (8) and (9). That was in 1964. Their Standing Order is dated 1964. The mover, 45

minutes, all others, 30 minutes. That is their standard and the Speaker can extend under Standing Order 32, your speaking time by 10 minutes. They did not lock down the mouths of their Opposition, Government or Independent Senators. They allow free reign to take place. They allow everyone to speak. That is what I told the hon. Leader of Government Business when he first proposed this measure. I told the hon. Leader, like the marketplace, allow the Members to regulate their own speaking time but do not cut, do not impose this truncation on our speaking time. We are big men and big women in this Parliament, we understand we are going through a COVID-19 pandemic, we could have sat down as big men and women in this Parliament and not tamper with our Standing Orders by truncating our speaking time.

But the Government, Madam President—you know the late Hector McClean left us with a very powerful statement. He said the Government must always allow the Opposition to have its say because in their final analysis, because of their majority, the Government will have its way. You always give the Opposition its say because in the final analysis, the Government will have its way because there is an in-built majority in our Westminster political structure in this country, but no. The heavy-handed nature of this Government came down on this Parliament. Madam President, we as parliamentarians must defend our institution. This is not the Executive arm of the State. This arm called the Parliament is the bulwark of democracy and freedom for our nation and every Member of Parliament has a duty and a responsibility to take off their party tie at the appropriate time and defend the institution.

I could never forget, Madam President, a gentleman out of Jamaica came to a seminar in Trinidad, he left us again with a very classic statement when he said the taxpayers' dollar has no party colour. He said the taxpayers' dollar has no party

colour. When we meet in a joint select committee, we take out our partisan clothing and we defend the public interest. You do not take instruction from “yuh party” in defending the indefensible. You are abdicating, we are abdicating our duty to strengthen our Parliament, Madam President, when we do so. So I am saying we have a duty to defend our institution and this institution belongs to us.

Madam President, we have brought this Motion today to challenge the Government’s decision and this little-too-late Motion that was amended today, it is too little, too late. The Government could have taken that action months ago. You did not have to wait until the Opposition brought a Motion. We sought to have meetings with the Leader of Government Business and others so that we could find a common front to deal with this matter. But no matter how we tried, Madam President, it did not work because the Lower House seems to be controlling the Upper House and I thought that we have independent institutions within the Parliament. We must determine our own affairs.

Madam President, do you know that the mover of a motion in this Parliament, before this amendment, had 30 minutes to move and he had 30 minutes to wind up. In the other place, 30 minutes to move and 20 minutes to wind up. So we showed that we have our distinct independence and autonomy in this Senate. We do not have to be following the House of Representatives and taking instructions from the House of Representatives. We must stand up in defence of our Senate, we must stand up in defence of our Parliament, we must stand up in defence of our democracy in TT and do not allow people to do anything negative to undermine it. So we have brought this Motion to challenge the Government’s decision.

And, Madam President, I am not prepared to take the crumbs dropping from the master’s table and say “Thank you Master, you have given me back ah little

time”. We in the Opposition demand the full resumption of speaking time in this Parliament. [*Desk thumping*] We are not begging favours. Today, this Motion is about a principle. We are defending a principle in this matter. We stand in defence of the people, we stand in defence of democracy and whether the PNM is on this side and we are on that side, we must all stand for our Parliament, we must all defend our institution. That is what we have to do as parliamentarians.

So, Madam President, whether you look at what is going on, as I said, in all of these other countries, you realized that—yesterday, I was at a virtual meeting and I was told through the discussion that in some—I think it is in the UK, some people have been given three minutes to talk. I think the maximum is 20 minutes and you know some of our colleagues might have taken comfort and say “Oh god, three minutes, but here we ha 20, now we want to going up to 30”. No. In the United Kingdom, they have Bills Committees and when a Bill is introduced, every Bill that is introduced or most of the Bills that are introduced are sent to special select committees. That is why they have 630-something Members. They have a Cabinet of 20-something and everybody else are Backbenchers and everybody else could serve on committees. So they have time to go in the Bills Committee and they can speak for hours. They will invite stakeholders to come and to share their thoughts and their views. “So yuh talk, yuh talk, yuh talk.” It might take you a month in the select committee, two months. So when you come back to the Parliament, you have exhausted what you have to say. So if you get three minutes, Madam President, or 20 minutes, one could understand that.

And, Madam President, may I tell you, as one of the drafters or framers I should say of these Standing Orders in the House of Representatives and to some extent here in the Senate, that was the purpose of the Standing Orders when we amended them to allow the Bills that are introduced by the Government—

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

**Sen. W. Mark:** Yeah. Thanks, Madam President. To allow these Bills to be referred after first and second reading to a joint select committee or a special select committee. That is what that was about.

Madam President, we have a duty to ensure that we preserve the independence of our institution and we avoid either through ignorance or through a lack of understanding of what we are about to allow anyone to try to mislead or give us a different perspective on our role as Members of the Parliament of the Republic. I have always argued as a veteran in this place called the Parliament that, you know, it is very easy, if we are not careful, to undermine our democracy and lay the basis for autocracy. It is very easy if we are not careful, it can take place.

There is a good book, a great book, I want to recommend to my colleagues, it is called the *Twilight of Democracy: The Seductive Lure of Authoritarianism*. I should add totalitarianism to that. I think a lady by the name of Anne Applebaum who is the person who is the author and, Madam President, it tells you that we have to be careful as a Parliament that we do not contribute to decisions and to actions that can drastically reduce and/or undermine our democratic principles and our democratic freedoms.

We in this Parliament, through this Motion, are calling on the Government of this country to immediately revert to Members' full speaking time. What is the difference between 30 and 40? Ten minutes. So why are you squeezing Members for 10 minutes, hon. Leader of the House, through the hon. President? If I am entitled as the first speaker to get 45 minutes and my colleague on the Government side is equally given 45 minutes and my Independent colleague is given 45 minutes, why are we saying every speaker thereafter will be given 30 minutes? They are entitled to 40 minutes, give them their 10 minutes more.

So I call on the hon. Leader to support this Motion and let us really resume our deliberation in the coming period in an atmosphere of peace but do not allow us to have to come back and bring another motion and we will have to write, if it becomes necessary to international institutions and bodies. We are members of the CPA, the IPU, ParlAmericas, INTER PARES, we will exploit every opportunity to inform them of what is taking place in this Parliament. Madam President, I hope we do not have to reach that point and I am calling on the hon. Leader of Government Business to take action and to ensure that we have a full resumption forthwith of our speaking times in accordance with our Standing Orders and I am sure as the Presiding Officer without bringing you into the picture, I defend this institution, I defend that Chair and I defend all the Members of this Parliament because we must defend our institution which is our Parliament in the Republic of Trinidad and Tobago.

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

**Madam President:** Someone needs to second the Motion. The Motion requires a seconder.

**Sen. Lutchmedial:** I second the Motion, please, Madam President.

**Madam President:** There is a certain expression.

**Sen. Lutchmedial:** Sorry.

**Madam President:** I beg to second the Motion—

**Sen. Lutchmedial:** I beg to second the Motion—

**Madam President:** And I reserve my right to speak at a later stage.

**Sen. Lutchmedial:** Yes, and I reserve my right to speak at a later time please.

**Madam President:** The Motion has been seconded by Sen. Lutchmedial.

*Question proposed.*

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery**



**Browne):** Madam President, I got a little worried there for a few minutes because it appeared as if no one was willing to second the Motion of Sen. Mark.

**Sen. Mark:** Do not be worried.

**Madam President:** Sen. Mark, you had your 45 minutes and no one interrupted you.

**Sen. Mark:** Peace, peace, peace.

**Madam President:** Minister, continue.

**Sen. The Hon. Dr. A. Browne:** Madam President, there is no wonder why because the irony would not have escaped any Senator present or anyone listening to Sen. Mark, the irony that he used his full 45 minutes to the second in a protracted appeal for the ability to use 45 minutes of debate. [*Desk thumping and laughter*] I do not think there is any precedent for such a presentation in the history of the Trinidad and Tobago Parliament.

And, Madam President, Sen. Mark is a highly intelligent individual. He is well accomplished, seasoned, highly experienced as well. Many of us are friends outside of the Chamber and Sen. Mark is known as quite a remarkable gentleman. But, Madam President, something seems to happen when he puts on his parliamentary suit, when he puts on his parliamentary shoes and socks, when he—something seems to happen when he comes in here because time and time again, he uses his opportunity to speak to the Chamber and to the citizens to echo the same refrain over and over and over again. And I have a simple question to Sen. Mark, through you, Madam President. I have a simple question for him today and that question is this. Why did he waste the Parliament's time today to argue for something that basically has already been achieved? [*Desk thumping*]

I spoke to the Leader of Government Business and he said he approached Sen. Mark and he told him, "Senator, we are taking care of this, we will bring a

Motion. We recognize that this is a process in evolution. Why do you not allow Private Members' Day to be used for something more substantive in the interest of the people of Trinidad and Tobago?" [*Desk thumping*] But the temptation was too great to the hon. Senator, it was too great, the magnetism of the opportunity to spend a full 45 minutes to ask for a full 45 minutes. And guess what? [*Laughter*] He did exactly that this afternoon.

Madam President, listening to my good friend, the honourable and experienced Senator, I am reminded of a story from some years ago and it involves some researchers visited a remote specific island and they found an individual, a resident of that island who had never been exposed to what we call western civilization. He had never seen an aircraft, he had never seen a vehicle, he had never seen a European, "ah road", any of those things. So they selected this individual and they put him into a room and they showed him a film, an epic sweeping film. It was a film about war and love and peace and construction, a sweeping epic.

And at the end of the movie, the researchers asked this gentleman, "Tell us what you saw. Tell us about the film" and the individual paused and he said, "I saw a chicken running across the road". The researcher said, "What? You looked at an hour and a half of film and all you saw was a"—so they went back, they reviewed the film themselves to try to determine what would have caused him to say that and it turned out near the end, after all the various scenes, indeed a chicken ran across the road between two trucks. But, Madam President, based on his experience that he brought into the room, that is all the gentleman was able to see, just the chicken.

Madam President, I listened to my dear friend Sen. Mark and it appears that in the middle of an unprecedented global and national and regional scenario where every institution, every workplace, every sector, every Parliament, every

household, every family and every individual has had to make adjustments and sacrifices. Sen. Mark has emerged from that with slay the leviathan, slay the leviathan, slay the leviathan. What are we talking about? I listened to that contribution and the presentation of this Motion and it appears to be the voice—let me put it as nicely as I could, a voice completely disconnected from the reality with which the rest of us are treating on a daily basis. [*Desk thumping*] Very, very unfortunate.

Because, this Motion has to be taken within the context of the broader and more comprehensive measures that have been taken by this Parliament and that are being taken by parliaments around the world, and this is not by choice, this is not by happenstance, this is not by coin toss or drawing of straws, and I know I am using phrases familiar to the Opposition, to the UNC. These are realities and decisions and adjustments that have been pressed upon us by a pandemic not of our choosing or selection.

So, Madam President, when we arrive and those who are listening, some may know, some may not know. When we arrive to do the Senate's business, the first things we experience are prevention measures. Our temperatures are checked. This is an advancement of the Parliament. That does not happen all around the world. Every arrival has a temperature check and then we all sanitize. This Parliament has taken extraordinary measures and I will give you the results of those measures and it is all a continuum. So you cannot just pluck one adjustment and hold that up for 45 minutes and pretend that something bizarre or unusual or sinister is taking place here without recognizing and giving proper acknowledgement to the comprehensive range of adjustments that this Senate, this Parliament has taken for the best interest of Members as well as the best interest of the people of Trinidad and Tobago.

So our temperatures are checked. We are sanitized as we come in and then at every entrance, even the entrance to this Chamber, in front of every elevator, all the stations, all the rooms, all the spaces, the corridors, we have equipment to provide sanitization, even at the gym. We now wear masks throughout the Parliament. That is an advancement as well for which we must be acknowledged, except when we are in this booth.

**3.00 p.m.**

This is also an advancement and an innovation. Not all parliaments have made these types of adjustments. We have now spacing. Look how the distance we have between seating, all of these are adjustments as part of the evolution; our response as a contribution to a wider national response. Even the tea room has been adjusted. This is all part of a comprehensive safety measure that has been taken by the Parliament of Trinidad and Tobago, and by all of us hon. Senators. We now have committee meetings virtually. Madam President, do you know that there are some parliaments in this same world that we live in that have now shifted exclusively to virtual meetings? They do not even get the opportunity to gather. We have the opportunity to gather, to listen directly, to look into each other's faces during these presentations.

And it appears that this is taken very lightly in the middle of a pandemic, as opposed to using these precious opportunities Sen. Mark, through you, Madam President, using these precious opportunities like the afternoon of the 23<sup>rd</sup> of February, 2021, when the Opposition could have brought—having been approached by the Leader of Government Business—could have brought a Bill, a private Bill to help this nation further treat with the COVID-19 pandemic. They could have brought a Motion that would help advance the governments, the societies, or a wider effort. Even a Motion recommending further adjustments or

improvements to the safety measures within the Parliament. They chose not to do that but to spend time here to deal with a moot point, an issue that has already been taken care of by the Parliament today. The opportunity was there to do something different and to use this time much more productively, Madam President.

Madam President, there are other measures as well, we do not have the privilege of the public being present here today. Now, someone could say—I hope I am not giving any suggestions to the rest of the UNC Bench—someone could say, “That is an assault on democracy, the public must be here, forget COVID-19”. But, Madam President, these are sacrifices that we are not alone in having been called upon to make these adjustments and sacrifices. Everyone, every citizen, every business person, and if we just anchor ourselves in, well, it is my right to—there are people saying it is their right not to wear a mask, but adjustments are required.

Sen. Mark used a very strange phrase and I took a note of it, Madam President. He basically said—yes, here it is—“a Standing Order”, he trumpeted this in his characteristic style, “Standing Order should only be suspended based on a specific and extraordinary reason”. Did you hear that, Madam President? “A specific and extraordinary reason”; what more specific and extraordinary reason can there conceivably be, than the circumstances that we are faced with, with COVID-19? That is a question I want to pose to Sen. Mark. I want him to come up with a hypothetical, more extraordinary, more specific and more pressing than what is happening to us, what is happening to the world right now.

So let us not come here and pretend that everything is hunky-dory. These measures are necessary, they have been necessary, and Madam President, the truth is they have been adjusted. The approach of the Parliament has been very flexible, very responsive. I remember when I was sworn in, there was a point where we had

to rotate in the Chamber, Madam President. Do you remember that? We did not even have the right, all of us, to gather at the same time. Was that an assault on democracy? Absolutely not. That was an adjustment, a sacrifice that this working space chose to make together as a Parliament to help keep ourselves and our families safe.

And, Madam President, I want to make a further point because there may be a Senator or two here with a strong union background. There may be, Madam President, such a Senator with a strong union background and I want to remind him and all other Senators that the Parliament is not just a place for debates and speeches, it is also a workplace. It is also a workplace.

Madam President, we have 335 hard-working staff members of the Parliament of Trinidad and Tobago. And when adjustments are made it is not just for the safety of Members, it is also to create a safer working environment for them, Madam President, [*Desk thumping*] and for their families because just like we have to go back home and answer to our families in terms of how safely we were able to conduct ourselves, they have to do the same and to keep their families safe, Madam President.

And I want to use this opportunity, I am not going to exclude the Opposition, I am not going to exclude any Senator, I want to use this opportunity recognizing the comprehensive measures that have been taken that we have all contributed to and respected, I want to congratulate this Senate and the Parliament of Trinidad and Tobago for achieving something that not all have achieved, whereby, not a single sitting Member after over a year of this pandemic, not one sitting Member of this Parliament has been diagnosed as infected with COVID-19. I want to congratulate the Senate for that. [*Desk thumping*] We have all contributed to that particular statistic which is not an empty one because it represents the

preservation of life and health, and it represents the contribution of this Chamber to a wider effort, a much more noble cause which is keeping us all safe and our families safe as well, Madam President.

So, this is not happening in a vacuum and I want to salute the Independents as well because I recognize some of them did vote with the Parliament when we moved the initial Motion to curtail the speaking time on a temporary basis. And they are also here today participating in this particular debate, and they will also be making the adjustment with all Senators with respect to the increase in speaking time that we are now able to enjoy. But, Madam President, we do not know what the future holds. We do not know what the future holds. At one point in this country we thought, you know, we had avoided community spread and we did not, and adjustments had to be made.

So today we have the privilege, we have the privilege of enjoying an average rolling infection rate of about four, four new infections in Trinidad and Tobago per day. Where other countries are still besieged, drowning in new infections and death, we have the privilege of making further adjustments in the evolution and flexibility of our response. In spite of all of that, Sen. Mark would choose to take our entire afternoon, because that is what it promises to be, to treat with a moot point when we could be dealing with more substantive matters, Madam President.

There was a whole spiral about democracy and well, these are not unfamiliar words or elements from our dear and esteemed friend on the other side. But Madam President, they seemed alien to this particular debate because the Parliament has not been interrupted. The Parliament continues to meet. And what Sen. Mark skipped over, he talked about, "Oh, we have researched, we have researched, we have researched". Well, what he has skipped over very blithely and acrobatically is the fact that many parliaments around the world have curtailed

their debate time. They have shortened the time of debate, some of them. It is after 3.00, Madam President; some parliaments end their debate at 3.00 p.m. so members can go home to their families. So, shortened debate time.

So, while Sen. Mark would say, well, they have not shortened the individual speaking time, and he made a big deal out of that, the overall debate time has been shortened. So, guess what, Madam President? If we are weighing up the value of democracy in terms of contributions, while you may have an uninterrupted or uncurtailed individual speaking time, what in effect you would have had is less opportunities for various Members to contribute on the Government side, on the Opposition side, on the Independent side. That is a route that this Parliament chose not to take. So while we may have sacrificed a few minutes of individual speaking time, we have had the opportunity—we have heard from all Senators.

Some—anyway, I would not—we have heard from all Senators, Madam President. I am not going to give any scoring rate or characteristic of value, but we have heard from all Senators and we will continue to do so. And that to me is a reflection that the Parliament continues to value democracy, and to provide opportunities in any debate for any Senator to be heard within the reality of COVID-19. To gather physically and each Senator contribute within the reality of COVID-19, and that is something we should all be proud of, not come here to spend a Tuesday evening to artificially criticize and talk about slaying the leviathan, Madam President.

So, I am here to say that this Senate and this Parliament have stood head and shoulders above many of our peers around the world in taking the measures required to keep our Members and members of staff as safe as possible. Madam President, Sen. Mark threw out a challenge based on his extensive and expansive research, a challenge to find another country, any other parliament in which



speaking time has been shortened. Am I misquoting you, Senator? I doubt that, through you, Madam President. I doubt that. I always listen very closely to my dear friend, Sen. Mark.

Madam President, I take you to what is generally—a capital that is generally recognized as the birthplace, the origin of democracy, Athens, Greece. Between Greece and Rome—between Athens and Rome they are recognized by many as the origins of democracy. The Greek Parliament according to the Inter-Parliamentary Union, and I will just give a very brief reference to what the adjustment that has been made there:

“...bills are discussed and the floor is given only for half of the time provided by the Standing Orders...”

Let me start over again, Madam President:

“...bills are discussed and the floor is given only for half of the time provided by the Standing Orders...to Rapporteurs, Special Speakers, Parliamentary Groups’ Representatives, one or few speakers from each Parliamentary Group, the Ministers, and, upon request, to the Prime Minister and the leaders of the Opposition parties.

...bills are discussed and the floor is given only for half of the time provided by the Standing Orders...”

Sen. Mark stood here and insisted that this reality does not exist. Another example of how disconnected this UNC Bench is from reality, Madam President. [*Desk thumping*] And I can take you right around the world, Madam President. Brazil, all of the Senate, all of the Chambers have had to make certain adjustments. The Brazilian Senate does not gather, they do not meet physically, only virtually. That would be a terrifying reality to me, Madam President, I do not—I participate in many—I do not enjoy such virtual sittings because you just do not have the benefit

of that literal connection, that literal alertness, and then sometimes you are not too sure who is present or absent, you know how it goes, you are never too sure. And for the business such as the business that we have to conduct, it requires a different—a sense of presence and involvement and engagement, all of which has been preserved by the Parliament of Trinidad and Tobago.

And I saw cleverly, intelligently, Sen. Mark sought to inoculate his presentation by saying that there are other parliaments with shorter speaking times because he knows, Madam President, with his experience, he knows that even the speaking time that we have today which is 45 minutes for the mover, 40 minutes for the first responders, and 30 minutes for all other speakers, he knows that that would be considered extraordinarily lengthy speaking time in a wide number of jurisdictions.

And I want to remind Sen. Mark and all—I do not want to reflect too closely on him—I want to remind all Senators that, you see, with this appeal and all of us need 45 minutes or whatever it is—it is not just about the quantity of time, Madam President, it is also about the quality, how you use your time. [*Desk thumping*] And I want to ask Sen. Mark: What have we missed out on in the last 12 months from the UNC Bench? What sterling insights did we lose out on, did we miss out on during past debates?

And, Madam President, I want us—I do not want to use all of my time and join my esteemed colleague in the full period—but I noticed most times a private Motion is moved and there was a good example by Sen. Vieira recently, the mover would take us through the Motion, not so, Madam President?—would take us through. Sen. Mark had no time for that. He had no time for that because he was busy slaying the leviathan. So let me do him a favour and let us go through the Motion here this afternoon, Madam President, because there is some content

worthy of some scrutiny.

So, the first phrase:

“...the Senate is asked to...among other things,”—debate—“complex legislation”—complex legislation—“which necessitates focused deliberations;”

Well, that is good to know. But, Madam President, the record would show that almost half the time the Opposition announces and trumpets their position and their determination even before the debates begin. They go to the media and say, “We are not going to support the Government”. So, I am not sure what is this “focused deliberation” that Sen. Mark is placing here because it appears to be a lot of predetermination on the side of the Opposition Bench, and I know the Independents are not guilty in this particular regard.

So, the Motion started off in unusual fashion. And he did give credit with respect to the—the Senator gave credit with respect to the budget debate, again countering his very foundational point that this is some sinister effort to stifle scrutiny. Sen. Mark, he acknowledged that, he acknowledged that, that the full speaking time was afforded on that particular occasion. But for him to expect everyone to close eyes, pretend COVID does not exist from week to week and month to month over the past year, and proceed as normal, would be not just dangerous but also a bad example to all other sectors that are adjusting in some way.

And the citizens out there are listening to us and they are saying, “Listen, we want to see more bipartisan dialogue”. “We want to see more reaching across the aisle, or tripartisan”—with respect to the Independents. “We want to see more reaching out across the aisle. We enjoy respectful exchange within the political realities of, you know, that we are confronted with, but we do not really need late

night sessions for the sake of having late night sessions.”

So back to the point, it is about quality and not quantity. And I want to give a suggestion to the caucus opposite, that this period should have been used as a precious opportunity instead of just looking at it as some kind of nuisance. It is an opportunity because I can say for the speakers on the Government side, we are now much more economical and efficient and have adjusted to the new reality—we are coming to the next phrase, Madam President—we have adjusted to the new reality, so that when further adjustments can be made such as are made today and may occur in the future, then any extra time would be even better utilized because we are now more efficient, we are sharper with our points, we are more focused.

So, this could have been an opportunity. I am not sure the opportunity was well used, Madam President, in reviewing the *Hansard* of the last few months. Because what I saw is some Members falling afoul time and time again with respect to relevance. How can you be doing that while claiming that you are being deprived the opportunity to contribute in a relevant fashion? It is a contradiction. Anyway—so that was the first phrase, Madam President.

“*And whereas*”—second phrase—

“...the current global pandemic has impacted all aspects of life in Trinidad and Tobago, including the Parliament.”

Accurate, highly accurate phrasing:

“...impacted all aspects of life in Trinidad and Tobago, including the Parliament.”

But then you juxtaposed that against this blinkered view that we should not adjust what transpires by way of debate, duration of debate, number of contributions, duration of contribution. Well, as far as I am concerned, the Parliament has made the right decisions in this regard taking into account the impact on all aspects of

life.

And then the two, what I find the most intriguing and provocative phrases in this Motion, Madam President, are the next ones:

*“And whereas citizens are being encouraged to adapt to the ‘new normal’”—* he puts it in quotation marks—*“...adapt to the ‘new normal’ while observing...safety protocols;*

*And whereas the business of the Parliament should similarly adapt to the ‘new normal’ by allowing for the full time for Speeches in Debates;”*

And I could not juxtapose those two phrasings at all. So Sen. Mark is saying that while citizens in general are being encouraged to adapt to the new normal, the Parliament should similarly adapt to the new normal by allowing full speaking time. That appears to betray, Madam President, a fundamental lack of understanding of the phrase “the new normal”.

Madam President, it pains me to have to say to Sen. Mark and his colleagues, “the new normal” does not mean the same as “the old normal”. It does not mean the same. And therefore, the Motion itself is very poorly posited. So, we need to adapt to the new normal by allowing the full speaking time.

Let me tell you what the World Health Organization has to say about this “new normal”. So Sen. Mark pitched those phrases in there but maybe it is possible that he would benefit from a little bit of illumination, and who better than the World Health Organization which has had some very kind things to say recently, but I do not want to broaden the debate, Madam President.

So, the World Health Organization in a publication dated—guess when?—23<sup>rd</sup> of February, 2021, “COVID-19: ‘new normal’”. They used the same quotation marks as Sen. Mark, and guess what they say? Guess what they say, the World Health Organization?

“The fight against COVID-19 is far from over. The pandemic hasn’t ended yet. Until...”—then—“...everyone remains at risk...

Until there’s an effective vaccine or treatment, everyone remains at risk of...COVID19.

In some places, as cases of...COVID19 go down, some control measures are being lifted.

But this doesn’t mean we should go back to the ‘old normal’. If we don’t stay vigilant and protect ourselves and others...coronavirus cases may go up again.

...this doesn’t mean we should go back to the ‘old normal.’”—Because—“If we don’t stay vigilant and protect ourselves...”—and I would insert my words: and adjust accordingly—“...cases may go”— back—“up again.”

So that is to insert some realism into Sen. Mark’s very limited understanding of the phrase “new normal”. “New normal” is not the same as “old normal”. “New normal” refers to what has to continue into the reasonable future which would be a degree of adjustment that takes into account the new reality of the globe. Let us not have a naive understanding of what it means. And I think again, the Motion itself fails the reality test in that regard.

Madam President, just a couple more points I would wish to share given this particular opportunity based on the Motion introduced by my esteemed parliamentary colleague Sen. Mark. Madam President, there are extraordinary measures taken by other parliaments. And I just want to reemphasize because there was a heavy weighting on democracy and assault on democracy and all sorts of—the usual phrasings. But the fact is that there was an option available to parliaments which other parliaments have leaned upon and adopted, which is to reduce the times of debate, the duration of debate. That was not done in Trinidad and Tobago.

And if that were done, if that were the selection made by this Parliament, what in effect would happen if Members had their original speaking time according to the Standing Orders, the God-given right, their original speaking time, we would have less opportunities to hear from Members. And we want that. That is what the Parliament is, we want to hear from the range of opinions, the range of geographic areas, the range of ethnicities, the range of backgrounds and influences. We have people with all kinds of expertise in this Senate.

So, in my view, a very wise decision was made, a very wise alternative, an innovation of Trinidad and Tobago which allows for some degree of responsibility, some degree of respect for the dangers of COVID-19, some degree of safety, improved safety for Members and members of staff who are able to avoid spending 10, 11, 12 hours in these confined premises, while at the same time affording for free and fair debate and engagement within the Chamber.

Madam President, the implications of—

**Madam President:** Minister, you have five more minutes.

**Sen. The Hon. Dr. A. Browne:** Thank you. The implications—so that means I have four because I do not want to take the full time. The implications of reverting to the old normal which appears to be what Sen. Mark has been calling for, could be a less safe environment for all of us, because exposure depends not just on proximity but also duration. And we are not just talking about in the Chamber because if all of us speak and all of us speak for the full time, you are harking back to the old days when midnight would find us all here, and midnight would find all of the staff members here. And it is not just here in the Chamber, here in the tea room, the restroom, the corridors, the elevators, the staircases, everywhere.

So, I am wondering if Sen. Mark has thought this through as a caring individual, as a member of a family, a member of a political party that has had an

interface with COVID-19. We all have, none of us are immune. And it appears, I would entreat him and maybe he would have the opportunity to change his mind and adjust the Motion or withdraw the Motion.

And when we look at what is happening with some of our brothers and sisters, I do not want to call names of jurisdictions, some near, some far, that today are experiencing almost a sense of fatigue due to death and morbidity. So, the Parliament has been a good example in this regard. We have done the right thing. We have preserved the democracy. We have ensured sittings including private Members sittings which we are having here today, but yet we have had to expend one on the tilting against windmills by a Senator opposite.

So, Madam President, with that said, COVID-19 remains a clear and present danger. We have recognized and I want to salute the Parliament today for making a further adjustment which takes into account the desire for parlay, but at the same time maintains a shortened overall duration which allows Members and staff members to continue to remain safe. I understand we have had no Members infected and no members of staff out of this 335 who, contact tracing, there has been no indication that there has been any infection on the premises or precincts of the Parliament. That is a noteworthy achievement, Madam President, with hundreds of people being here and we have all contributed to this.

**3.30 p.m.**

So, Madam President, that being said, I want to offer to Sen. Mark the following words of advice. The only wording on this matter, the only wording related to this matter that I would support would be the following:

*Whereas* this Parliament and this Senate have taken exemplary and appropriate measures to prevent COVID-19 in a comprehensive and responsible fashion;



*Be it resolved* that all Senators, all Senators and the staff of this Senate and this Parliament be congratulated on their sterling and continuing efforts to keep each other safe and to keep the nation safe.

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

**Madam President:** Sen. Vieira. Sen. Vieira, may I remind you that you have 40 minutes.

**Sen. Anthony Vieira:** Thank you, Madam President. If I make 10 I think I would have done well. To be fair, I was not planning to speak on this Motion. I have been unwell this past few days, not COVID, so I did not really prepare a speaking note. I have literally scrambled my thoughts together while Sen. Mark and Minister Browne were speaking. But I do not want Sen. Mark's Motion to be treated with disdain, contempt or scorn, because I do think it touches on something fundamental and that is what compels me to speak this afternoon.

Now, I am a mediator and I could tell you that as a mediator, one of the most critical elements in a mediation, even where the mediation does not result in an agreement, is where both parties feel they have been listened to, and heard, that they have been listened to and understood. But Parliament provides a mediation function in that it allows multiple views to be ventilated and then alchemized into legislation.

We subscribe to the concept of government by discussion. Civil society requires constant dialogue and lots of it. If we are to progress meaningfully and cooperatively as a society, and to maintain civil peace and harmony, it is fundamental that our citizens buy into the concept of what we do in this Parliament. They buy into the concept of jaw, jaw, jaw rather than war, war, war. The parlay in Parliament refers to negotiating and speaking. So every voice in this room, aside of course, from Madam President who is the ultimate authority, every

other voice in this room, has equal status and is entitled to be heard. The practice of some persons having more speaking time than others, in my view that goes against the grain of Senators being equally situated.

Sen. Mark has properly pointed out that some Bills are very complex and indeed they carry enormous weight and consequence and it is true. The problems facing us today, they are larger, they are more complex, and they are moving faster than ever before. It is difficult to do justice, even for one of this country's most accomplished and eloquent speakers. And I am thinking now of the hon. Attorney General, who has repeatedly complained and bemoaned the fact that he could not do justice to his piloting of a Bill because he did not have sufficient time. Just think of that, the hon. Attorney General complaining about not having sufficient time. And yet, we are at a critical juncture in our history. The decisions we make here today is not only going to impact real lives, it is going to impact future generations. It should never be said that Parliament glossed over, or we failed to have due and proper regard because speaking time was truncated. That would not be appropriate.

So, I support Sen. Mark's Motion, not just by giving up my place in the queue today for Private Members' Motions, but with my vote as well. I would not have worded it perhaps the same way he did but I support the spirit and the substance.

It is important to facilitate, rather than to hinder mutual respect and understanding. That is encapsulated in the principle of letting people have their say, without undue pressure, without constraints and without feeling hard done by. If speaking allows us to vent and to release emotions and frustrations and pent up feelings, I say speak on. It is true that compared to other jurisdictions, where for example, three minutes is all that is allowed, some may consider that our speaking time is pure luxury. And, again, I note that earlier today time was in fact increased.

But even with the increased amount of time, if it means that segments of our population feel unheard, alienated or unrepresented, that is an unacceptable risk.

The inconvenience of having to endure long speeches, pales in comparison to the need for maintaining harmony and social peace in our beloved country. We are a unique people with a unique culture. Our people watch this Parliament channel, they love the clash of ideas, they love the sharp and witty exchange of words, they love the tension that arises in debate. Hearing things said, even if it is not agreed with or passed, just hearing it, is an antidote to the sickness of people feeling disconnected. Our Standing Orders must reflect our ways of behaving and culture.

Three minutes, I have been to functions where people lasted more than three minutes just introducing the dignitaries and observing the protocols. We have to settle on a speaking time which is congruent with who we are as a people, including, and let us not beat around the bush about it, we are a loquacious people, even garrulous.

If engagement involving dialogue, freedom of information and unrestricted discussion is the central feature of our civil paths to peace, then I say we should do everything in our power to keep that alive and well. Madam President, I thank you.

*[Desk thumping]*

**Madam President:** Sen. Lutchmedial. Senator,—

**Sen. Jayanti Lutchmedial:** Thank you, Madam President.

**Madam President:**—you have 30 minutes.

**Sen. J. Lutchmedial:** Thank you, Madam President. Madam President, thank you for the opportunity to join this very important debate on this Motion. Madam President, I want to start off my contribution by firstly paying tribute to the extremely hard-working and dedicated staff of the Parliament who have done an

incredible job at keeping us all safe during this pandemic. It is certainly, I think, commendable that we have been able to sit throughout the pandemic and that no one has contracted any sort of COVID, we have not had any issues with, you know, the changes that have been made have been phenomenal to keep us all safe and I do commend the staff.

I also wish to commend and start off by commending my—the speaker who came before me, the hon. Sen. Vieira because Sen. Vieira raised a very important point and he talked about speaking in the Parliament and about mutual respect and consideration for each other's views. And unlike the hon. Minister of Foreign and Caricom Affairs, who came here to apparently pour scorn, not just upon the Motion, but apparently on every contribution that the Opposition has made since we have been here, he has essentially shown that—he has essentially said that the Opposition has not used even its limited speaking time to make any valuable contribution. And, Madam President, that level of disrespect, disdain and contempt, which the Executive shows for this Parliament and its role and the role of the official Opposition, is exactly why this Motion is so important today. [*Desk thumping*]

You see, Madam President, it may not matter much to the Minister of Foreign and Caricom Affairs, but we, the six of us here are still the only six people speaking for 309,000 people who voted for United National Congress. [*Desk thumping*] Six of us, and then you have nine people sitting behind us who are independent. It is one of the few constitutional provisions where the President, without consulting with anyone, can select persons who have distinguished themselves in various fields, to sit in this House and to represent the views of wider society, whether it be persons who are in community development, or economic, have an economic background or whatever it is. The importance of what

we say here should never be trivialized the way it was done by the Minister of Foreign and Caricom Affairs here today. It is really and truly, it is disrespectful and I am surprised that such comment would pass for debates in this House.

Madam President, the role of the Parliament, our constitutional remit, making laws for the peace, order and good governance of Trinidad and Tobago, that is the fundamental principle. It is recognized in our Constitution that, you know, each House can regulate its own procedure, but we must also recognize that with the built-in majority, the Government essentially will have its way except for very exceptional circumstances where we have special majority requirements. So, for example, moving a Motion to suspend the Standing Orders, the Government has its way, because they have the majority. The only opportunity that the Opposition will ever have to voice its opinion, whilst being protected by the certain level of privilege that we enjoy here is during our speaking time. And when the Government comes here, with its majority to take away that speaking time, whether it is 10 minutes, or 20 minutes, or however long they decide to curtail it by that is essentially a step towards limiting how much the Opposition is able to say.

Now, I take the point that perhaps, I do not know, they feel that the risk is greater because we spend more time here, we stay later on and so on. But in the same breath, Madam Speaker, Madam President, sorry, we are saying that it is okay for us to revert to the old speaking time, or it was it was fine to accommodate the old speaking time during the budget. Well, COVID did not take three days off during the budget debates. No other Parliament—well, so many other Parliaments in the world are functioning with their ordinary speaking time. They do not have a different strain of COVID from what we have here. People—and the whole point of Sen. Mark's reference to the new normal, which apparently the Government speakers have missed, or the speaker so far has missed, is that everyone else is

adapting. Everybody else is adapting. Yes, there was a period of time where you had people working on rotation and not sitting there. But Madam President, this is now, and as the Government keeps saying and they keep touting to the population, this is the new normal, sanitizing, temperature checking, mask wearing, social distancing.

If everyone else needs must adapt to that new normal, why not parliamentarians? Are we not being paid by the taxpayer to come here and debate? Are we not being paid by the taxpayer to come here and represent their views? Are we not, all of us are being, part of our role is to come here and hold the Government to account. We must be able to fully scrutinize not just the words in a Bill very briefly, and I am so happy that Sen. Vieira made the point because I have picked up on it as well, that the Attorney General in piloting many complex pieces of legislation in this House, has said, “I cannot go clause by clause”. That was the norm.

I have been watching Parliament since I was a child and that was the norm. You would always go clause by clause and explain a Bill. Let us take, for example, that Evidence (Amdt.) Bill that we had—in the very short time that I have been here in this Parliament, I have seen so many significant pieces of legislation that would have—the country who—the public who look on at these debates, all of us in the Opposition, the Independent Bench, would have benefited from the old speaking time and from the mover of the Bill to be able to fully go clause by clause and explain, why is this here? What are the alternatives we have considered and so on?

Madam President, when we pilot a Bill in this House and you say, “Well it went to a committee and we got the support of everybody”. That does not help the population understand why this law is being passed. But if the person who is

piloting the Bill could say, we considered the view of Ms. X, Mr. Y, this association, that association, this one suggested this, and that one suggested that, you cannot do that in a shortened speaking time. But this was the norm, I have heard it before, I have heard it done before. And that is how we had Bills being debated before and it was very useful. It was in keeping with the remit of parliamentarians. That is our job to be here and scrutinize and examine the legislation.

Madam President, when the Motion was moved on the 29<sup>th</sup> of August, I believe it was, 13 Members voted against it. So this, this is not about the Opposition opposing for opposing sake. There are other voices within this House, who did not agree with shortening our speaking time. As I said before, we have the Independent voices in this House and so it is even more important in this House, as opposed to in the other place, to have a full speaking time and that opportunity to every single Member of the Independent Bench in my respectful view and the Opposition Bench, but more—not more so, but I must say it really is an injustice to the people of this country not to have the expertise that we expect from the Independent Bench and they not having their opportunity to voice their concern.

Madam President, we must only again, throw our minds back to the very solid contribution that a Member of the Independent Bench was able to make, because he is the subject—he is a subject matter expert in the field when we dealt with the Evidence (Amdt.) Bill. Can we not consider how much more beneficial it would have been to all of us and to the public if that Member was allowed to have his full speaking time? And these are the questions that we have to ask.

So, apart from just holding the Government to account and scrutinizing the legislation, we have to investigate and also try to influence the public policy that underlie some of these pieces of legislation that come here. We have seen

legislation that, for example, deal with the expenditure of public moneys and the level of scrutiny when we had the public procurement Act being brought here, by simple majority, by simple majority, Madam President.

**Madam President:** Sen. Lutchmedial, I just want to caution you about the Standing Order. Please, the matters that you are referring to have already been settled in this session, I would ask you not to re-debate those issues.

**Sen. J. Lutchmedial:** Okay, Madam President, but Madam President, the point is that the Government brought a piece of legislation that it would have passed with its majority, and the only opportunity that the Opposition and the Independent Bench had to speak on it and to fully examine it, it was restricted by this restriction on the speaking time and by the reduced speaking time.

**3.50 p.m.**

So the importance of the legislation here is what I am getting at. They are very significant because you are dealing with things like scrutiny of public expenditure. You are dealing with issues that affect the operation of our criminal justice system, the hottest topic that is out there right now. So that, these are things that affect the everyday person on the street and those things deserve our attention. Madam President, in my research, I also came across the case of Australia and how they would suspend Standing Orders. I think Sen. Mark has fully prosecuted the case on that point and he has gone into the intricacies of how they go about doing it, but the fact of the matter is the simple majority role, they would have to obtain leave or they would have to get consent. It is not simply that you can bulldoze your way into the Parliament and impose your will. The Government cannot do that, just impose their will via their majority upon the Opposition and Independent Benches. Because oversight is central to our democracy and that is recognized, and the Standing Orders and the way that things are done in the Parliament must recognize



how important it is to have that level of oversight.

Madam President, oversight—and we are saying that because of this pandemic it is important for us to have restrictions and to adapt and to do things differently, and so on, and everyone has adapted. But I wish to say that oversight becomes, not less important but more important during a pandemic. It becomes more important because you are exercising powers in the last 11 months, and I just want to give a few of the things that we have had to do, and I am not getting into the merits or demerits of it but we have had the closure of our borders officially. We have had restrictions on citizens' freedom of movement. We have had powers exercised under the Quarantine Act to essentially put someone into quarantine. I mean, I do not know—that is such an important feature of our Constitution, these freedoms, these fundamental rights and freedoms that we enjoy. And the Government has, for better or worse—and again, I am not getting into that but they have exercised these powers in an effort, as they say, to keep us safe and to keep the public safe.

Well, Madam President, oversight and parliamentary oversight is necessary to ensure that the need for public health and safety is balanced against the need to preserve our fundamental rights and freedoms, and it is only parliamentary oversight of Executive power that can do that. So when we have the Executive exercising its powers presumably in accordance with the law to keep the public safe, it is the Parliament who must hold them to account on those matters. How can we really fulfil our mandate and fulfil that remit when we must limit our speaking time when are on certain things?

So parliamentary speaking time, Madam President, again, I can use another example. I heard—I was late but again technology, thank God—and I heard someone—the Minister speak about the use of technology. I am all for the use of

technology and allowing persons to use technology, but three reports were laid today in this Parliament that dealt with withdrawals from the Heritage and Stabilisation Fund totalling US \$900 million; US \$900 million, that is the state of affairs that the country is experiencing at this point in time. How could less speaking time in the Parliament be acceptable at a time like this when our—what is essentially our bank account, our savings account—our savings account of this country is being dipped into, you know, and we must limit the time in which we have to speak.

**Madam President:** Sen. Lutchmedial, I caution you again. I caution you to stick to the Motion and not be re-debating other matters.

**Sen. J. Lutchmedial:** Guided, Madam President.

It is that there are so many extremely important issues facing the country right now. Now is not the time to curtail speaking time in our Parliament. Exactly like the laws that we make to govern the country and that we expect people to obey, the rules and the laws that govern the Parliament must also make sense and they must be reasonable, proportionate and rational, Madam President. Now, any law that we pass here or in the other place is subject to judicial scrutiny because if it is not reasonable, proportionate or rational, it can be challenged. We must also look at this Motion that has been passed to curb the speaking time through those same lenses. Is it reasonable, is it proportional and is it rational? Well, let us look at some examples. The public service is fully out to work, Madam President, public servants who many of them—most of them, I dare say, do not have the accommodations that we have here which are so amenable to the protocols. Are the public servants who are required to work eight hours a day afforded as many sanitization stations and screens and, you know, were they able to enforce social distancing and so on?

We have had the benefit of all of these things. And the Minister who spoke before, the hon. Minister of Foreign and Caricom Affairs went through the whole entire list of how many things we have done in the Parliament. Well, have we done all of that just so that we can come here and wrap up by six o'clock and go home? Should we not at least say that we are privileged enough to have those accommodations made for us that we should stay here and do our work? Unlike so many persons who have to go out to work—do the people who work in fast food restaurants or the supermarket workers, do even the frontline medical health care workers have the same accommodations that we have been given in this Parliament? When you consider those matters then you must really say, “Is it reasonable and proportionate and rational to say that we cannot remain here over an extended period of time and we must therefore curb the speaking time?”

Madam President, on one day again, during my very short period of time here, the Government brought three Bills and we stayed here from 1.30 until 2.00 a.m., did COVID take the day off on that particular day? Was the COVID risk minimized on that particular day when the Government did not see it as being important for us to be relieved to go home safely to our families and for the staff to go home safely to their families, as the hon. Minister has said? Is the COVID risk different from any other parliament around the world which has continued to sit? And he found an example in Greece or somewhere else where they have suspended times. Well, is it any different from the parliaments that have not suspended their speaking times?

Madam President, again, the Minister of Foreign and Caricom Affairs went on to say that with the adjustment made today the point is now moot. Well, if the point is so moot, why does the Government insist on just cutting out 10 minutes again off the regular speaking time from any contributor? If the point is moot, well,

then give it up and give us back our time because, you see, you are coming here to argue that this Motion does not make any sense. Well, I will flip the argument on you and say that your continued taking away of 10 minutes of what I should have had as extra speaking time is equally ridiculous and equally moot because we are arguing here now over 10 minutes. It is almost as though I cannot give you what you want so I will give you a little bit and then I will lambast you and I will insult you and I will belittle you, and say that you have come here to waste our time to talk about this because I have given you back some of what you asked for. Madam President, is that the level at which we have reached in this Parliament to debate? Because, Madam President, it really does not make any sense for us to say that the point is moot but yet you are insisting that you must continue to curtail our speaking time. If you feel and if the Government feels that the adjustment made today makes this whole thing moot, well then, it is no longer relevant, give us back our speaking time; that is all.

Madam President, in closing, I just want to refer to two articles, and I am sure everyone has seen these articles because they went viral by two very renowned jurists, Lady Hale and Lord Sumption, who both spoke about the Parliament surrendering its role during the COVID crisis. And I just want to—now, they were speaking particularly about the exercise of emergency powers and I am not getting into that, but there are points here that we can extrapolate from what was said. And Lady Hale, in particular, she spoke about:

“There...”—being—“no justification for ministers...”—to exercise—  
“emergency powers without reference to normal democratic processes.”

Our normal democracy has said that the Opposition must have, you know, an X amount of speaking time. I am happy that Sen. Vieira raised it because I honestly do not know the differences in speaking time and what is the logic behind it.

I mean, perhaps when you are moving or piloting you need a little extra time for explanations, that is fine. I could accept that. But she went on to say that:

“It is essential that going forward...massively important decisions...”—that affect—“family life, and...jobs and businesses, should be exercised with proper supervision and control.”

So she was speaking about the Government essentially going outside of Parliament and exercising Executive powers without parliamentary scrutiny, but I am saying that we can look at what she has said. Her Ladyship has essentially said that, “Look, oversight is so important when you are in a pandemic.”

And she said the:

“...parliament has three constitutional functions: to pass laws, vote on government funding...”—and holding the Government to account.

We must ask ourselves, is it necessary, is it proportionate, is it reasonable and is it rational for us to curtail our speaking time when we have such important functions to play?

Very quickly, Madam President, because I do not intend to use my speaking time just because some of it was given back, because I just want to make my point and move on. Lord Sumption, when he was examining, again very critically, the Government’s use, as he put it, of the COVID pandemic to exercise certain powers, he said that:

“The public’s fear”—the fear of COVID had been used to silence the Opposition—“effectively silenced the opposition in the House of Commons”—in the UK.

The Opposition themselves were not even challenging at that time what the Government was doing because the public had been, you know—everyone just thought that, look, you have to do what you have to do, let us shut everything

down, we must do these things because, you know, COVID is out there.

He went on to say that instinctively, because of the threat of COVID and what it can do to you, that persons were just willing to accept that:

“...the end justifies the means”—which he described as—“...the motto of every totalitarian government which has ever been.”

The end justifies the means.

Madam President, what I have heard here today in response to this Motion is essentially that the end justify the means and it is the hallmark of a totalitarian government. The Government has, as Lord Sumption said, discovered that public fear is enough to let it have its way.

Madam President, the hon. Minister, in responding to Sen. Mark, talked about a clear and present danger and he described COVID as still being a clear and present danger. The only clear and present danger is the one posed to our democracy by a Government that uses its majority to indefinitely and unilaterally suspend the Standing Orders of this House. [*Desk thumping*]

I strongly urge all Members of this House to consider, as I said, the necessity, the proportionality, the rationality and the reasonableness of a decision to curtail Members' speaking times at a time when scrutiny is so important, when we are making such important decisions that impact the lives of the citizens of Trinidad and Tobago. Madam President, with these few words, I thank you. [*Desk thumping*]

**Madam President:** Sen. de Freitas. [*Desk thumping*]

**Sen. Nigel de Freitas:** Thank you, Madam President, for the opportunity to contribute to this Motion that is currently engaging this honourable Chamber. And this Motion, as most of the Senators that have gone before me, is to treat with parliamentary procedure in relation to the speaking time and the reduction of said

speaking time last year when this Twelfth Parliament started.

Madam President, I would begin by saying that Sen. Mark is an orator, he has had the experience of developing that skill over several parliamentary terms. I think he has the most number of experience in terms of years and in terms of parliamentary terms than everybody else in this Chamber currently. And in developing that skill is why I can say here today categorically and factually that what Sen. Mark has done by moving this Motion is nothing more than playing smart with foolishness. And I would say that in the manner that I am saying it because the positions that I hold allow me to take a look at parliamentary procedure and the proceedings of this Chamber differently than anybody else in this Chamber, except for Sen. Mark who at another point in time held another position which would also allow him to see how things operate in this Chamber from a very particular perspective. So what do I mean by that? Madam President, I intend to, in my contribution with the time that I have, actually respond to the commentary that Sen. Mark has put forward in support of his Motion and one by one I will show you how what he has done does not make any sense whatsoever.

So let us begin with the first one. The first thing that Sen. Mark said was that the changes to the speaking times in the parliamentary procedure is an affront on democracy which is most importantly the right of free speech. Now, let me say this, like I said, because of the roles that I hold I tend to look at things differently in this Chamber in relation to how things break down. What Sen. Mark is talking about in relation to free speech, from my perspective, is really mike time; how much time, in the grand scheme of things, have you been hearing somebody's voice on a mike. So let us break that down. We started at 1.30 today, the time is now 4.05, that is just shy of about 150 minutes in total that we have been having this sitting. The way this procedure or this sitting procedure, as laid out in the

Standing Orders, is broken down, you have Urgent Questions; you have Questions for Oral Answer; you have your Motions, which is what we are dealing with today; you have your speakers, once the Motion is piloted or moved and seconded, and that equates to the full total 150 minutes' time.

I would say to all Senators, pick up your Order Paper, there are three questions for urgent answer, two of those are for Sen. Mark. There is a total time period set out in the Standing Orders for Urgent Questions, Sen. Mark had five minutes out of the total time, that is mike time. Questions for Oral Answer, there were six, Sen. Mark had three questions, inclusive of the four supplementary questions that come after, which we all know Sen. Mark uses. That is a total of 30 minutes on top of the five minutes. Then we talk about the Motion which was increased today in terms of speaking time to a total of 45 minutes. So, Sen. Mark, today, out of 150 minutes that have gone so far had five minutes, 13 minutes and 45 minutes for a total of 63 minutes out of the 150 minutes of total mike time in this Chamber, but stands up to say in that 45 minutes that it is an affront on democracy in terms of free speech. Does that make sense? [*Desk thumping*] That is why I am saying it is smart with foolishness. He has had the most number of speaking minutes so far for this day between 1.30 and 4.07 p.m., so what does he mean by an affront on the freedom of speech? Totally incorrect.

He then went on to say that the Government is using the majority to evade scrutiny. Again, Sen. Mark knows better, none of the oversight mechanisms by way of procedure in this Parliament has been touched, none, none of it. You have your full 10 minutes for Urgent Questions which he has utilized, and I just indicated he got half of that. You have your full 45 minutes for oral answer questions for which he got half and Sen. Deonarine got the other half. If you are looking at joint select committees, which is another oversight mechanism, there



has been no change there except for the fact that we are meeting virtually. Anybody who is chairing those meetings or who sits on those Joint Select Committees know fully well that as much time as is required, those Committees sit to get the work done. Those are the oversight mechanisms that are very important to which the Opposition would use, none of which have been truncated or reduced.

So when he is talking about the Government is using its majority to invade scrutiny, what is Sen. Mark talking about? He cannot be talking about evading scrutiny because they are utilizing the time. So it is incorrect to make that statement and Sen. Mark knows that because he is the one that is taken up the majority amount of time in terms of those oversight mechanisms. Madam President, he goes on to state that it is not enough time to properly put forward opposing views. And the Minister of Foreign and Caricom Affairs spoke to this, Sen. Mark is mixing up quality over quantity. We all know, especially the ones who have sat in this Chamber over the years, that you could spend 45 minutes talking absolute nonsense in this Chamber or you can stand up, you can take 10 minutes and make a brilliant contribution. The amount of time that you have has nothing to do with the quality of debate or the quality of content that is put forward.

So when he says that it is not enough time to put forward opposing views, I have no idea what Sen. Mark is talking about. A good orator, a skilful orator, a talented orator can make use of the time given to them and it is not to say that the time was reduced for any untoward reason. We all know the reason why it was reduced. The entire world knows the reason why the time was reduced. The reasoning behind it is to limit exposure because this pandemic is something that is completely new that is not yet fully understood. And because of the level of danger that is involved, you had to reduce the speaking time to reduce the amount of

exposure, because it takes just one individual in this Chamber to not show any symptoms or to be a carrier, for the whole Chamber to be decimated; that was the importance of it. And as much as we could not stop the entire proceedings of the Senate Chamber, what you could do is control risk of exposure and that was the point for reducing the time. It had nothing to do with trying to stop anybody from doing any kind of oversight mechanism or any kind of affront on the Opposition, nothing at all.

Sen. Mark went on to make the point that because of the reduced amount of time, Madam President, that there was not enough time to properly scrutinize Bills. Again, I have no idea, from a parliamentary procedural standpoint of which Sen. Mark is well aware of, what he is referring to here. The Standing Orders make it clear, everything in this Chamber is laid out in particular sections. When we are treating with a debate, you stand in your place, direct your attention to the presiding officer and you state your opinions and your observations as it relates to the debate. When we are speaking on the floor, that is what you are doing. When that part of it is done there is something called a “committee of the whole”. It is at that point in time that you sit as a Chamber and you go through the Bill clause by clause, scrutinizing every single word. More times than none, amendments would be moved at that particular point in time and it is at that committee stage that you would notice there has been no reduction in time.

So let us take a good close look at the effect as to what happen when the reduction of time happened. For those who were here in the Eleventh Parliament, you would have remembered that a debate, the actual observation and opinions part of it could run for 10 to 12 hours given the full time that you had. It is when that was done, you then went into a committee of the whole. Sometimes, and I have experienced his, you would finish a debate at 1.00 in the morning and then begin a

committee of the whole and spend another five, six hours inside there.

So, what was the effect of reducing the time? It was not intended but it just happened to be the effect. So you had a reduced reduction in the total amount of time in relation to the debate where you stated your observations and your opinions but that gave you more time to spend scrutinizing the Bill in terms of the committee stage. So if you had 10 hours in total, you could have spent six to seven hours, for example, in committee stage and in three hours debating. So how is Sen. Mark going to now come to say, a reduction in speaking time is not enough time to properly scrutinize a Bill? That is wrong, absolutely wrong. And I am disappointed because Sen. Mark knows better. He understands these rules better than anybody else in this Chamber having spent a number of years. He has probably been in the Parliament of Trinidad and Tobago longer than my age so he knows this.

Sen. Mark went on to utter in this contribution that these decisions were taken unilaterally without consensus. Sen. Mark, either he is getting too old or something or his memory is not good, but I remember sitting down in a meeting with Sen. Mark when this was first discussed. I know that more times than none, the leaders of each bench would have discussions in relation to things like this. They would have discussions in relation to how much speakers you have on each side. So when Sen. Mark says that it was taken unilaterally without consensus, that is completely incorrect. We did not pull the 30 minutes or the 20 minutes, in terms of reduced speaking or the amount of time that you would have had, out of a hat. It did not just come out magically. We did not spin a bottle and how much times it spun around is the amount of speaking time you would have. This was a discussion that took place.

So it is incorrect for Sen. Mark to come and say that it was taken unilaterally without consensus; that is not true. Madam President, in his contribution, he

continued by saying he understands that we are going through a pandemic and that we need to operate as big men and women. Does Sen. Mark understand truly that we are in a pandemic? Does Sen. Mark feel safe? I do not understand the paradox that is taking place here. You are standing in a booth for your protection, you are waiting for the booth to be sanitized for your protection, you have come to the Parliament with a mask on for your protection, you have sanitized your hands when you have come into the building for your protection and you are doing all of this and then standing up to say that you understand it is a pandemic and that we are all big men and women and that we should find a way to continue speaking for the full amount of time, increasing the amount of exposure of each and every single person inside here.

Sen. Mark has to pick his battle. You cannot want to keep safe and then at the same time increase the risk of exposure. Sen. Lutchmedial spoke to the fact that there are other parliaments around the world that have not reduced their time, that are doing things a little bit differently. Well, everybody on this planet has to do what is best for them. I definitely do not want that this Parliament of Trinidad and Tobago becomes the first Parliament to go through that.

That does not mean that we should expose ourselves. It does not mean that we should take risks. It does not mean that we should get lazy in the safety measures that we have taken.

**4.20 p.m.**

If you notice, the procedure over and over again has always been to take our time in relation to how we deal with this. It cannot be that we get lackadaisical and we get lazy, because that is when things go south really quickly.

One of the last comments made by Sen. Mark, in relation to his contribution was, he was asking, and Sen. Lutchmedial repeated this, what is the difference

between 30 and 40 minutes. And you heard me speak to the reason which is exposure, exposure, exposure, limit the amount of exposure that you have. But what is the difference between 30 and 40 minutes? Madam President, if every single Member in this Chamber was to speak on this Motion today, eliminate the mover who has 45, eliminate the fact that that mover responds for 40 minutes, eliminate the first responder, that is 40 minutes. That is 29 speakers in total. Multiply that by 10 minutes, that is 290 minutes. That is over four hours of extra exposure, that is the difference between 30 minutes and 40 minutes, Sen. Mark. As simply put as that, that is the difference. That is why we have to take these steps and we have to walk it back slowly so that we remain safe.

One of the biggest arguments that the Opposition has put forward, Madam President, is this idea that reduced speaking time does not allow them to actually get their points across. In response to Sen. Vieira, when he said that even the Attorney General would like to have more time, the fact of the matter is, Sen. Vieira, the Attorney General spends a lot of time preparing these Bills to be piloted. The Attorney General would love to have a whole day, just to talk on a Bill, and as a lawyer yourself knowing how much work goes into creating a Bill, you would really need a lot of time just to pilot that Bill. There is a lot to be said. But he is still able to pilot every single important piece of legislation that comes to this Parliament in the time that is allotted to him, whether it be 45 minutes, whether it be 30 minutes or whether it be 40 minutes, he is still able to do it, without losing anything at all.

**Sen. Roberts:** “Except all de cases.”

**Sen. N. de Freitas:** That is why it is important to focus on the quality of your content, in terms of the quantity of time that you have. That is a lesson that every single Senator who is new, that comes to this Chamber, must learn from the first

time they get in here. I could tell you that when I first came to this Chamber, and recognized that you had 40 minutes to contribute, the first thing you try to do is to speak for all 40 minutes. It did not take me long to realize that that was a waste of time. Immediately the first thing you realize is the quality of your contributions drop, because you just start, one, repeating yourself, two, you are trying to make up the time so you start to speak nonsense. But it is only when you realize that you want to focus on making the points that you want to make, that as long as you do not go over that 40 minutes, you are good. Whether it be 10 minutes, whether it be 15 minutes, you have to get your point across, because the point of contributing is to try and convince others of your point of view.

The time limit is just to make sure that we do not end up spending days here on end, talking and talking and talking, or we do not end up with 31 “Sen. Marks” talking for 45 minutes over and over again.

So, Madam President, in my humble opinion, there was no affront to democracy. There was no attempt to muzzle the Opposition. This is something that is unique. This is a situation that has never happened before. This is a situation that will never happen again. If true to form it takes 100 years for a pandemic like this to rear its head again, none of us would be alive by the time this comes back around. This is simply a matter of putting safety first.

My final words on this matter would be this: The only reason a seasoned individual in this Chamber would have a problem with reduced speaking time is if they do not know how to get to the point in the time that is allotted to them.

Madam President, with those few words I thank you.

**Madam President:** Sen. Deyalsingh.

**Sen. Dr. Varma Deyalsingh:** Thank you, Madam President, for allowing me to take part in this debate. I was not initially planning to speak on this, but I recognize

the fact that even though we are asking for more time for Members to speak, a lot of Members here are not even volunteering to speak. So I am seeing a situation here that I thought I would give my two-cents' worth.

I listened to some of the comments made by other Senators and I am thinking I may just want to give my side and my reasons for supporting or not supporting, as it may be.

So first of all, I would like to thank Sen. Mark for bringing this. I realize the points that he made really were the points that he—sinister motives probably that the Government wants to curtail the speaking time of the Opposition. The Government has a way of controlling, and I heard that come across in his presentation.

But what I have to look at, when we look at the parliamentary system coming about in the UK Magna Carta, even the French freedom writer, Voltaire who said:

I may not agree with what you have to say, but I will defend to death  
the right for you to say it.

So we have to appreciate the fact that certain individuals when they are debating, they may have certain things to say, and if we curtail that time we may be in a way stymying their ability to give adequate representation to their constituents who may, through them, want to have certain aspects of certain Bills be elaborated.

By also curtailing the time, we also must recognize the fact that the Opposition represents, I think it was 308,000 persons, Sen. Lutchmedial mentioned. So, therefore, if you know, the whole idea of the Parliament—and “*parler*” means “to speak” in French—where we have to do public debates, exchange arguments and political dispute.

You know, parliament is really a stage for certain politicians. Some may

come here and that is their stage to say what they have to say. This is a place where they may bring their constituents will to the Parliament. This is a place where, I think, the Opposition may have their say, and I think we have to look at the Opposition's right to be heard. I think in any sort of democratic institution, that right has to be guarded—guarded in the sense that we would not want the Opposition and their followers to say, “Hey, we are being stymied”. I am thinking, yes, I see that danger. I see that may come across to some persons on the Opposition and their followers, but I also heed what certain Senators in the Government side were saying.

I listened to Sen. Dr. Amery Browne's talk, where he actually mentioned the fact that the safety of our Members, the safety of the parliamentary staff is something uppermost. We have to congratulate Mr. Caesar and Ms. Jacqui Sampson for the protocols meted out to us. [*Desk thumping*] I am thinking it is commendable of the whole safety aspect we have here, and the fact that no one so far has succumbed to the COVID says a lot.

So we are looking at the safety factor. I understand the safety factor. I have been hearing the safety factor from the Members in the Government but, you see, Madam, the fact is some time ago the Prime Minister did mention to the public servants that they have to pull their weight. I think it was in October 2020, he mentioned the fact that the public servants, he had a report where there is a lot of public servants staying at home. So he actually had that report, and scolded them and said, “Listen, we have to do better”. In that way, if we are pointing fingers at the public servants, they may look at us and say, “Well, we want to cut down our time”. So they may equally look at us and say but what are we asking of them and we are not setting the correct example.

So even to have a proper work ethic, I am of the fact that we have to show



that we are working. We have to show that we are debating. We have to show that we are analyzing these Bills and somehow bringing these Bills in the forefront that would be the best interest for the country.

So the better work ethic I am thinking should be for us to continue in the way we have been. Good, but I am looking at the fact that we are worried about the danger of the COVID. I am thinking, the fact that if we are worried about COVID, if we are worried about staff being asked to work longer, it is a simple solution. We do not have to have sessions going for very long periods.

You see, Madam President, the OSHA Act, if we look at the Occupational Safety and Health Act, the OSHA had a report on extended work shifts or working hours, and they recommended the minimal working shift for better productivity, for better mental clarity, should not be more than eight hours. They frowned on that. Generally, if we are looking at having productivity and having important Bills here, we may have to consider looking at that eight-hour shift and saying, hey, why do we have to go beyond that? Because going beyond an eight-hour shift in a day will definitely take away from our productivity in looking at these Bills.

So a simple solution, I am thinking, is if we are in a debate one day, we could look at that eight-hour shift and continue debate the other day, giving enough time to fumigate the place in the night, so obviously we would be in a cleaner environment, and people will be more restful to come to Parliament next day to give of their best.

So while I looked at Sen. Browne's concern about the COVID, and the fact that it would give us that greater exposure, I am thinking we can handle things a little differently in the sense of the hours we are going to spend here. According to what I am looking at, there is no sort of hold back in us continuing our work next day. We are paid as parliamentarians and we can easily say in COVID times cut

off at a point, go next day.

I also looked at the quote of Sen. Browne when he quoted WHO, and I think hesitantly he did not want to go into the praise that our Prime Minister recently got from the head of the WHO. But I am saying, this is something that as a Trinidadian I feel proud of, that our Prime Minister got praise from the World Health Organization's head. This is something, I think, worldwide as a medical doctor looking at WHO, looking at their portfolio, looking at that praise, it made me feel good as a Trinidadian that, hey, we are out there, it was mentioned, and this is something good. So even though Sen. Browne did not go to the full, I have to say we should congratulate our Prime Minister for this praise we got.

Looking at this WHO's recommendations, I am saying we have to balance the act of safety, while balancing the act of the fact that we are doing the work of the people.

I heard mention, I think one of the Senators mentioned the miscellaneous provisions Bill, where we are looking sometimes at 13 Bills, and we have to do our justice to those 13 Bills in 20 minutes. Obviously, for any sort of good scrutiny of Bills, a debate on Bills, I think Sen. Mark had mentioned that, I would like to support his point of the fact that the miscellaneous provisions Bills that come to us, we have to look at the situation that exists for Independent Senators. We do not have support staff to do our research, and I am thinking it is an injustice sometimes to the population and the Senators, if we have to look at those Bills.

**Madam President:** Sen. Deyalsingh, could I just ask you please to relate your comments to the Motion, okay? What you are saying about the support or lack of support staff, really does not impact the issue that this Motion is dealing with, which is about the length of time for speeches and contributions.

**Sen. Dr. V. Deyalsingh:** Thank you, Madam. I am trying to elaborate the point

that I think 20 minutes, or even 30 minutes, I cannot look at 13 Bills and give an adequate discourse on those. So that to me is impractical, and this is why I brought up that point.

Madam President, this whole idea of speaking time and the ability for Members to give their comments, I mean, this whole speaking time is really important in the sense, if you look at even the fact that we have parliamentary privilege, it was noted that we here are given that time to vent issues that we may not be able to vent normally outside. We may be able to give certain pointers that we think some things as going unfair outside and, again, it is your grace to stop us sometimes if you find certain Members are going overboard.

But the whole idea that we have the rights and privileges and freedom of speech here, is the importance that is meted out to the ability of Members to speak. Taking some time away from that, I think is an injustice in the sense that you are now infringing on the rights.

A very important point that Sen. Vieira brought up also, that I would want to comment which it did not occur to me before, if you have different speaking times for different Members, this again is a sense of inequality of treatment. Even though the mover of the Bill may have to elaborate on the Bill more but, again, we have to look at will other Members feel that what they are saying is less of a worth than the mover of the Bill. So this is something we have to look at in a little more detail.

I would like to also mention the fact that when Sen. de Freitas calculated the amount of time if we take away the 10 minutes, the amount of time saved but, you see, I also calculated it, but I calculated it with a different motive. But I looked at it, and I am saying if we have the full speaking times 45, 40, 40 for the mover and the Leaders of the Benches, and we are looking at—I counted 30 minutes each—it would be like 39 hours of continuous debate if each Member here decides to speak.

This is just the speaking time on the debate, this is not the other Motions that are moved. So therefore, it is a lot. To be quite honest, for me to stay here for 39 hours, it is a bit exhausting, if we go to do it in a continuous basis, and this is why I am suggesting we do it in a more humane manner for the Members that are here.

I must say that when Sen. de Freitas mentioned that the Joint Select Committees are really there and we could look at certain Bills, and scrutinize the outcomes, I agree those are excellent ways that democracy could be held, where you are looking at the Joint Select Committees, you are looking at even the committee stage after the Bills, and those are additional ways where we can look at certain issues and vent certain issues, and debate certain issues. So while we have been hearing that we should cut down the time, I must say, I think Malaysia had looked at the fact that, you know, yes, they had recognized that COVID is a problem, but they were considering video conferencing to overcome sessions like that.

So it means we have able Ministers in the Ministry of Public Administration and Digital Transformation, so we may have to look. Are we moving in the stage where technology can give us, based on these COVID challenges, video conferencing sessions from even a parliamentary Web parliament. So this is something we may have to consider if it gets worse. So that it is an avenue that is there.

But I must say I also looked at the fact that members out in the public do, in fact, enjoy sometimes hearing the debates. Because, if you go out sometimes, they would criticize it. It is like a show for them, it is like a running opera, and by taking away this speaking time, you are now depriving persons who love to probably make fun, probable analyze, probably look, supporters of the Opposition who may say, hey, there is my supporter, my Member of Parliament giving our

side of the story. So I see that is important. I do, in fact, enjoy hearing debates from Sen. Sagramsingh-Sooklal and Sen. Anil Roberts. I mean, I love to hear them, and I would hesitate to curtail any speaking time that is afforded to certain Members.

But, Madam President, I am saying, yes the speaking time may be 30/40 minutes, and if it is 40 minutes and it is returned to 40 minutes, I am saying even as here today, not every Member is partaking. So even though it is 40 minutes, I am saying that you may have situations where Members may decide they would not be contributing, then we have better allocation of the hours' and day's proceedings going to another day which can, again, give that slack and that safety level.

So what I am saying in conclusion, I support Sen. Mark's Bill. I heard Sen. Vieira, being a mediator, and I was thinking he would choose the middle ground, and say let us go to this middle ground, but I think he also supported Sen. Mark's Bill. So a mediator is quick to say, let me go on a middle ground. So I say I support Sen. Mark's Bill. I say, let it be—

**Madam President:** Sen. Deyalsingh, only because I want the records to accurately reflect what is happening, it is a Motion that is before the Senate today.

**Sen. Dr. Varma Deyalsingh:** Thank you, Madam President. I want to say I support Sen. Mark's Motion, and I am thinking we should really give it to individual Members the choice to curtail their own time, because we are all adults, we know about the COVID awareness, and I am thinking the responsibility to cut our time should be something that we on our own could have that responsibility and say, listen, I am cutting down on my time, or I am not giving my detail to speak, because it has been already said.

Thank you, Madam President.

**Madam President:** Sen. Roberts.

**Sen. Anil Roberts:** Thank you, Madam President. Let me just start the debate by responding to some of my hon. colleagues on the other side. Sen. de Freitas, for example, he spent a lot of time talking about Sen. Mark. I believe that the Motion was about Sen. Mark and his longevity and the amount of time he contributes and so on. Let me just make it quite clear that Sen. Mark is the Leader of the Opposition Bench. He represents the United National Congress, all five Senators here and himself, and 309,000 people. So when he asks questions, he asked on behalf of the population as he is so entitled to do. The United National Congress, we caucus, come up with questions, and it is not just Sen. Mark.

So I am not sure where Sen. de Freitas was going there to calculate the urgent questions, plus the questions on notice, plus how much time Sen. Mark debates. He is entitled so to do. He is a Senator here, an hon. Senator, and he represents 309,000 people who voted for the United National Congress.

Sen. de Freitas also spoke about the risk to exposure, and this Motion speaks about the new normal. The new normal must be based on science. I think my hon. colleagues on the other side have lost the debate, they have lost the plot. We want to understand the science that is making your decision. Why did the Leader of Government Business in the Senate come today and make a quick change at the beginning to say that we could go to 45 minutes for the mover and the first two responders, and then to 30 minutes, instead of 20? What was the science that brought about that decision? That is all we want to know. Because a pandemic, health issues deal with science, and the science is confusing me.

So when I hear Sen. de Freitas talk about the risk of exposure and that is why we cut the time, was there no risk of exposure when the PNM brought three Bills and we sat down here for 12 and a half hours debating until two o'clock in the morning, or on that day was COVID-19 at rest or at sleep? Was there no risk to

exposure when we were here and we went to normal contributions for the budget debate, or where was the risk to exposure?

Furthermore, the PNM on that side has criticized Kamla Persad-Bissessar and the UNC for talking about the risk of exposure outdoors, as opposed to indoors. Because anyone who knows and studies and reads the science would know that any virus, including the COVID-19 virus, has a shorter half-life when it is outdoors in the sunlight. It lives for 12 hours. Therefore, if you are in the sunlight, the risk to exposure is shorter than if it is indoors or in a cold climate of 72 hours, and that is the science.

So I am not sure how my colleagues on the other side changed the science to make fun and jokes, and then when we are coming here to debate serious issues in this Senate—this is not a joke. I like politics. There is time for jokes and there is time for picong that is on the pulpit and the hustings and so on. But when we come here to debate, it is a serious time. So I am not sure what my colleague was talking about.

He said he talked about quality versus quantity, that anybody could get up here in 10 minutes and be brilliant, but sometimes—and I must say I congratulate him for being honest, as he went to basically confess his incompetence at debating. Because he said he tried to sit down for 40 minutes, and when he did that he did not perform well. Then when he shortened it, he did not need to talk so long. So I look forward to Sen. de Freitas in the future curtailing his contributions, and so that we could get high quality, as he is unable to debate for a sustained period. I think that honesty is very important.

So we move on to Dr. Amery Browne, and this was shocking to me, because a doctor—a doctor is a scientist. A doctor is great at science, pandemic is science. Speaking time, exposure, science; risk of infection, science. But yet I listened to

Dr. Amery Browne and I was shocked. I had to actually google to double check that he was not a Doctor of Arts or a doctor of drumming or music, and it said “medical doctor”. I am absolutely astounded, because in his contribution today he took a left turn and went totally away from science that he may have studied long ago.

**4.50 p.m.**

He spoke about also the Greek Parliament and the Greek Parliament curtailing their time. They did not. There was a pandemic, there was exposure around of the area of the Parliament. They did not curtail speaking timing. The Greek Parliament meets quite often, it meets five days per week. But what they did was instead of meeting five days, they started to meet three days to discuss Bills and draft legislation and so on.

Dr. Amery Browne talked about bipartisan, that we need to come here for the people’s good to discuss Bills and to get together and promote good law which is great but there is a problem here. The hon. Leader of Government Business came here, for example, I was prepared for 20 minutes. I had no idea that this morning we would change it to 30 minutes, so I am not understanding the bipartisan approach when we just reach here and just so the time changes without any scientific explanation.

Dr. Amery Browne was talking about quality versus quantity. But I recall I love listened to debate, and I listened to the Minister of Foreign and Caricom Affairs in the budget debate in his first contribution, and for 14 minutes he went through—I also met Johnny and I also met with Susan and I also met—and for 14 long minutes he went on repeating about who he met with as Minister of Foreign and Caricom Affairs after five weeks of being sworn in. And I wonder if that was quality debate because he is criticizing the UNC and saying that we do not have



quality contributions to make. I think we have a lot to contribute.

Furthermore to discuss and to criticize and to state whether we should speak or not, the people are watching, the people are viewing this Senate and this House. This Parliament is for discussion, for debate for the population's benefit, not for the Government's benefit, not to please Dr. Amery Browne or any Minister. This is here—Minister of Foreign and Caricom Affairs—sorry, Ma'am. Yes. Not to please the Minister of Foreign and Caricom Affairs. I was trying to break a record, Madam President, but I reached a little four minutes but we are here for the people. This is live on TV, live on radio, social media so that the population can get, ascertain what we are doing here.

We are debating some critical Bills, some Bills affecting constitutional rights, and to curtail that for 20 minutes. I know that some lawyers even on that side are saying, "Yes boy, I agree with you because we cannot debate critical issues in 20 minutes" as has been stated by a number senatorial colleagues in this Chamber. Dr.—the hon. Minister of Foreign and Caricom Affairs also said and some of Independent colleagues—

**Madam President:** Sen. Roberts, because you said you were going for the record, it is the hon. Minister of Foreign and Caricom Affairs.

**Sen. A. Roberts:** Thank you.

**Madam President:** I keep reminding, Senators, it is your obligation, your duty to understand how you should address one another.

**Sen. A. Roberts:** Thank you very much, Madam President, I humbly apologize, the hon. Minister of Foreign and Caricom Affairs. He stated that no one has contracted COVID-19. Really? How do we know? How many of us have been tested when we take our temperature outside and we check and sanitize? How many of us have been swabbed? How many rapid tests have been taken since

August 29<sup>th</sup> when we came into the Senate? How many of us know if we contracted it? Eighty per cent of people who contract COVID-19 do not get a fever, do not show a symptom, they move around very normally, so we are stating categorically positions without scientific basis of fact and we need to stop that. This is the Senate, the Upper House, we should be making comments based on information, on record. None of us in here know whether we did or did not contract because we have not been tested. Let me move on now.

As the Motion says, and I would just like to say to the Government Members. If you believe that the speaking timing is too long, it is okay, you all have the numbers, you have 16. So instead of suppressing and oppressing the rights of the United National Congress and the Opposition's speaking time, curtail yours. You all are in the majority, so if you need to cut a certain amount of time out of the debates, then you limit it, you have 16, so limit your 16 to 20 minutes and leave us with our full time so that we can do our job that the taxpayers are paying us so to do.

The Motion speaks about the new normal. I have heard Sen. de Freitas and Sen. Amery Browne state that our Constitution and our rights we have not been opposed here by the Government, by the majority, that we agreed to the speaking time. Sen. de Freitas even went on to say that he had a meeting with the Leader of the Opposition Bench and in a meeting he said that, I do not even know that, that is a private meeting but here on the floor when the Motion was brought, we disagreed and we will always because we are here to do our job, and in most cases on Bills. Even the total speaking time is insufficient to really dissect intricate details of clauses that impact our citizens when we pass it here but the new normal has to be based on science. The framers of our Constitution intended to create something resembling a democracy. Then came 30 years of uninterrupted PNM and now we

are here, democracy thwarted.

What is the science? We must understand that science informed the PNM to come today to increase and change the speaking time to 45 minutes and 30. Why not 40 minutes as normal? Why the extra 10 minutes increases COVID-19 contagion? This has been the problem not only here in the Senate but across Trinidad and Tobago. People are asking the question, why can a restaurant open until 10? Is COVID-19 less infectious in a restaurant than in a bar? We are—I am trying to understand the rules that we would like to follow based on science, not on opinion, not on feeling, not on who likes who. Oxford—and the PNM loves Oxford since two students told them that they were number one and they believe that and we have heard that a 100 times. But we moved from number one to 192 now and we are borrowing vaccine and then claiming that we did not get it. Science is the intellectual and practical and—

**Madam President:** Sen. Roberts, two things. I will ask you to be relevant to the Motion, and I will ask you please, you started off with one tone and you are steadily rising. I will ask you, please, to lower your voice.

**Sen. A. Roberts:** Thank you, Madam President. In the UNC we will rise and we shall rise. The science, the intellectual and the Motion—let me stick, I am trying to talk to the population and understand the new normal is science-based normal. Everything we do must be science-based. If we are curtailing time here, you must state categorically that a 15 metre-high building with X amount of cubic feet of air with the air condition pushing and changing the air every two hours is only sufficient for 20 people therefore, we will remain here for X amount of time, 20 people at a time and debate. You must say that. You cannot come here today this morning—this Motion, for example, and the Sen, the hon. Minister of Energy and Energy Industries knows that we have been complaining about the speaking time

since August 29. But just this, this Motion was filed sometime back weeks ago. It was put on the Order Paper and agreed to by Independent Sen. Anthony Vieira five days ago. Why is it now that you come here when the debate is ready begin to come and say, you have increased time from 30 minutes to 45, and from 20 to 30? That is playing games. I would not use the words that Sen. de Freitas used because I do not think they were parliamentary but I think that is not, that is playing fun and games with serious issues. And to come here now and for the hon. Minister of Foreign and Caricom Affairs to state that Sen. Wade Mark was out of order and ridiculous to come here and debate for 45 minutes asking for more time but he used his full time that was just given, I think the population will say that that is not becoming of an hon. Minister and a Cabinet member.

Science which is the new normal. The definition of science by the Oxford Dictionary says that:

“...the intellectual and practical activity encompassing the systematic study of the structure and behaviour of the physical and natural world through observation and experiment.”

It is a very specific definition but coming here today we see PNM science is exhibit total incompetence yet portray illusions of grandeur, aided and abated by a complicit mass media, suppression of democratic debate and a hijacking of independent institutions.

We have seen over the years, manipulation of science, not just here in Trinidad and Tobago but internationally. Who could remember, the history buffs will know that the Tuskegee Airmen, for example, African-American pilots of great skill who wanted to serve their nation, scientists told them and put studies laid in the Congress of the United States that stated that African Americans' oxygen capacity to their brain was less than their Anglo-Saxon counterparts and

therefore, they could not fly those jets because they would be more susceptible to passing out. That was science being abused to create a situation that they wanted which was, at the time, they did not want African American pilots in the Air Force in the US at that time back in the '40s and '50s. How many of us use to think that people black people could not swim?—because scientists went in the Congress—

**Madam President:** Sen. Roberts, please. Please, it might be affording some people humour. It does not. It is not in accordance with the standards here. Please come to the matter at hand, please.

**Sen. A. Roberts:** This is not humour, Ma'am.

**Madam President:** Please, Sen Roberts—

**Sen. A. Roberts:** Let me—okay.

**Madam President:** I am not saying that you are humorous. I am not saying that. I am asking you though—

**Sen. A. Roberts:** Yes?

**Madam President:**—to please be relevant to the Motion.

**Sen. A. Roberts:** Okay. Can I please advise you or try to advise of the relevance, the new normal as I have stated is science-based. In times science has been utilized by people with nefarious motives to create and suppress the democratic rights of citizens internationally and locally.

My position here on this Motion is, that the Government has used their majority to suppress the rights of the Opposition to speak, to debate and to make the population aware of the laws that are being brought to thwart their constitutional rights and their ability to enjoy the freedoms of being born in Trinidad and Tobago. [*Desk thumping*] This is the debate that we are here for. The science and I am giving examples of when science was warped right here in Trinidad and Tobago.

Remember in the 2004 to 2008 where scientists came down and told us that a smelter plant would not give people cancer. They put people on planes and took them to Brazil, and people came back and said, we went to the island where there is a smelter plant and we saw no cancer. We were told that. A doctor from Nigeria from Harvard who was paid by the smelter company Alcoa came here and told citizens that the smelter plant the Chinese technology which other scientists had said was the worse without scrubbers it would lead to testicular cancer, lung cancer, throat cancer. A scientist came here paid for by the smelter company to change the science and tell people that it was safe. Thank God the people stood up and did not fall for that. We must use science really and truly to promote truth and to have an idea, even here in the Senate that is science-based and allows the Opposition to do our work.

We have been thwarted from August 29<sup>th</sup> to present. We are still thwarted by our 10 minutes and we want to do our work on behalf of the people of Trinidad and Tobago based on the science. And I am yet to understand why the curtailment because the science, for example, would state, that here as stated by Dr. Amery Browne, we have great protocols. We have temperature testing, sanitization all over, high walls, great airflow, Plexiglass, sanitization in between speaking, we are separated, we wear masks. Then why the need to curtail the Opposition from speaking? There is none. Because if you follow science, the risks of exposure is minimal to none, so your argument is moot, if you follow the science. Moving along.

We also see science, for example, the Government in one aspect is saying one thing, and then here in the Senate we are ruled by another thing. We have just learned that, for example, in sport as of Monday we are allowed to play, 22 people playing football, rugby, basketball outdoors. The science that the Government said

they are monitoring and adhering to says that 22 people can be in close proximity for any amount of time wearing masks, playing physical activity, exerting themselves, tackling each other, falling down on each other, sweating on each other, poking each other's eyes, that is okay. But yet we are here in a pristine building with full protocols, full scientific ability, social separation, sanitization, ventilation but yet you want to curtail our speaking timing. There can be only one conclusion, that you are thwarting the democracy and thwarting the democratic rights of the Opposition. [*Desk thumping*]

We can go in MovieTowne, sit down in an enclosed space smaller than this and sit down for two hours eating popcorn, pulling down our masks to eat popcorn, to eat shrimp wantons and drink a Coca Cola but we cannot debate here because the PNM says, we in the Opposition must talk short. That is not right, and we call for a full reinstatement of Opposition time, all speaking time, and if the PNM and the Government wishes to curtail their time, so be it but we are here to represent our constituents, to research and read and to pass good law and we cannot continue to be curtailed.

We see the science also unfortunately our nation now has been deprived of a home qualifier football match and I am having a problem seeing the science at work, because last August in the height of the pandemic with people dying left, right and centre, after we had been at eight deaths for three months and two weeks, we moved up quickly to 100 deaths but we had the CPL here, and those players came in from all over the world. They stayed in what we called a bubble, they quarantined for seven days and then another seven days of practice but our national football team who is preparing to try to make us proud by qualifying for the World Cup cannot—

**Madam President:** Sen. Roberts, please, you are not being relevant to the Motion

here. The Motion in this Chamber is about the speaking time of parliamentarians. That is the Motion.

**Sen. A. Roberts:** Thank you, Madam President. The speaking time of parliamentarians has been curtailed by the Government based on their science, their data, their COVID-19 protocols. And I am saying that their science in here does not match their science out there.

**Madam President:** And I am saying to you, Sen. Roberts, that you need to tone it down, tone it down.

**Sen. A. Roberts:** Madam President, I would love to know what Standing Order, please, is tone it down because I have read and I have not seen it. Please advise?

**Madam President:** Well no, that is very good for you. If you are reading and you are not seeing it. I am saying to you and I have said it repeatedly. Unless someone wants to question the authority of the Presiding Officer, I am saying to you, tone it down.

**Sen. A. Roberts:** Madam President, I am not questioning you. I am asking you, what Standing Order?

**Madam President:** Actually, you actually questioning me.

**Sen. A. Roberts:** What is the Standing Order?

**Madam President:** You actually are questioning me. And I am going to say to you, continue along this line and your speaking time will be curtailed today.

**Sen. A. Roberts:** Thank you, Madam President, I would not be shocked but let me continue. I quote—

**Madam President:** Sen. Roberts, please, those off-hand remarks, cut it out.

**Sen. A. Roberts:** Let me say, this is a good time to quote one of the greatest soca songs of the year by Blaxx. I am going to quote from it because it is a hit song. We did not have a Carnival probably because the COVID-19 protocols and the science



was not followed from last year February. Had it been followed properly, pertinently and to the best of everybody's experience we may have been able to have a domestic Carnival.

**Madam President:** Sen. Roberts, you are speaking on everything but the Motion. This is your last opportunity.

**Sen. A. Roberts:** And in the song Blaxx said:

If yuh cut meh, yuh go see blood  
 And if yuh squeeze me, yuh go feel de love  
 We are one people under the sun  
 One nation under the law

And all of us here are one nation under the law to make laws.

Who feel they too bright, 99, one per cent, love to wine, represent  
 All ah we want to see happiness, prosperity  
 I for you and you for me

He had to write this classic song before September 2015 because Blaxx believes in his constitution while the PNM Government shreds it, curtails the Opposition's speaking time, cuts it, makes us talk softer and does what they want to the Opposition but we will stand firm and—

**Madam President:** Sen. Roberts, your contribution is finished. Leader of Government Business. [*Desk thumping*]

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam President. Madam President, I join this debate—

**Madam President:** Minister, just one second. Sen. Roberts. Sen. Roberts, I will ask you to apologize right now for the comments I just heard you make.

**Sen. Roberts:** What comments did you hear, Ma'am?

**Madam President:** I am not going to repeat what I heard. I am asking you to apologize for what I just heard.

**Sen. A. Roberts:** Ma'am, I humbly apologize for saying this is a joke.

**Madam President:** Sen. Roberts, please leave the Chamber for the rest of this sitting. Please leave the Chamber. Minister, Leader of Government Business.

**Sen. The Hon. F. Khan:** Thank you very much, Madam President. Madam President, I join this debate in my capacity as Leader of Government Business in the Senate. It is I who moved the Motion—[*Crosstalk*]

**Madam President:** Just a second. Just a second.

**Sen. The Hon. F. Khan:** Yeah.

**Sen. Lezama-Lee Sing:** Madam President, on a point of order. I know that you have just ruled to ask the Member to exit the Chamber but the Member is here calling all Members of this House, this Chamber, sick people and he is inferring, he is telling the hon. Minister of Tourism “to go and scratch”.

**Madam President:** Senator. Members, some may find it funny when there is disobedience to the Presiding Officer when there are attempts to bring this Senate into disrepute. I noted sometimes that some of the comments receive a great of amusement. I will ask all Members, please to have some sense of responsibility and some sense of duty to this Parliament. I have sat here for this entire afternoon hearing that Parliament should be respected, everything. Everybody is saying that that, Parliament should be respected. Yet when there are attempts to demean the Presiding Officer and by extension the Parliament, it is met with great humour. I will ask all Members to recommit, recommit to norms of this Chamber, please. Leader of Government Business.

**Sen. The Hon. F. Khan:** Yes, thank you once again, Madam President, and I empathize with your dilemma. I join this debate, as I said earlier, as Leader of

Government Business in this Senate because it is I, on behalf of the Government, who on the 1<sup>st</sup> of May moved the first Motion to suspend the Standing Order and reduce the speaking time, and then once again, on August 29, 2020 and then once again earlier today.

We did not do that because we are totalitarian Government. We did not do that to undermine democracy. We did not do that to muzzle the Opposition or to even attempt to muzzle the Independents. We did that in the national interest. We were facing a pandemic. We were one of the first countries in the world to shut our borders. We were the first one of the earliest countries to put the wearing of masks in legislation. We were the first, not the first but among the first to stop schools, to go into remote learning. We did everything that was driven by the very science that Sen. Roberts has been criticizing.

The Prime Minister himself continually said that he is driven by the science of the Chief Medical Officer and his team. He went so far as to quote himself as the lead scientist in the Soufriere volcanic eruption in Montserrat. Montserrat survived a major disaster because the leadership of Montserrat at the time listened to him. We are not doing this for any nefarious reasons, we were protecting this country. And if we are leaders we have to show leadership from the front. [*Desk thumping*]

And today I am really, really taken aback after having discussed with the leader of the Opposition Bench and the coordinator of the Independent Bench and said, I am going to bring this amendment to ease up, so to speak, on the speaking time restrictions and just leave a minor restriction on the normal speakers outside of the movers and the first respondents, and to see that this debate has deteriorated to the level it has. We are not setting a good example, we are making fun of serious things and it offends me as a parliamentarian of long standing. [*Desk thumping*]

I have had the honour to sit in the House of Representatives. I have had the honour to sit in two terms here as the Leader of Government Business in this Senate. And today is a travesty as to what is transpiring with some of the speakers here today. We made these adjustments for the sake of the safety of the citizens of Trinidad and Tobago. And today as we seem to be getting over, cautiously starting to bring back a normalcy to life in Trinidad and Tobago. Only yesterday or day before the Minister of Sport and Youth Affairs said, contact sports can start back with 11 players. We have gingerly opened schools for Forms 4, 5 and 6 and in April we plan to open it for SEA students, so it is a progression. It has nothing to do with stifling democracy and using our simple majority to railroad Government's agenda, that is furthest from the truth.

And let me just deal with what was said by Sen. Mark, it was further articulated by Sen. Lutchmedial. The Government has a majority. There is no Parliament in the world where the Government does not have a majority. That is the definition of government. Because you win an election, you go to the Parliament with more seats. That is the definition of democracy. Democracy you represent will of the majority.

So when you say we are railroading Bills with a simple majority. We have a simple majority in the House but we do not have a simple majority in the Upper House, and it is a point I have made in the last session. I do not know if I have made it this session but I am going to take the opportunity to make it here. This Senate has 16 Government Members, one of which is the President so that office is out. So there are 15 Government Members on this side, there are six Opposition Members and there nine Independent Members. Nine and six is 15 and so there is tie, unlike the House of Representatives where there is a built-in majority to the Government.

The framers of the Republican Constitution with the bicameral Parliament did not see it that way, Sir Ellis Clarke in his wisdom. And he constructed a Senate of 15:15 with nine Independents, both the Government and the Opposition operate under a whip. When the Government votes, it votes under a whip. I am the whip on behalf of the Government. Sen. Mark is the Whip on behalf of the Opposition. The Senate is not called the leader of the Senate, you know. I mean the Independent Bench, you know. He is called the coordinator. They are nine Independent Senators in their own right. They are not under any whip and they do not vote as a bench. They are nine individuals of the distinction in the society appointed by the President to represent the public interest.

**5.20 p.m.**

So, my role and the role of this Government, when we bring legislation to this Parliament, into this Senate, is to say we speak to the nine people up there, and we have to convince you that our legislation is good law. And I have said on record on several occasions, I do not want to put the President in an unenviable position to have a deciding vote. I prefer to withdraw a Bill before I put that office into that position. And if I and this Government cannot convince a Senator or two on the Independent Bench to support a Bill, I will consider the Bill has serious flaws, and that is the philosophy on which we operate. That is why we bend backward. That is why the Attorney General who visits here all the time says, I will go back, I will go back and speak to the law association. I will go back and consult more and bring it back to win your favour, because you are supposedly non-bias. You are the independent voice in the society and do not take that honour lightly, and that is the context in which this whole situation is unravelling.

This Motion is supposed to debate the suspension of the Standing Order, but you know what it is turning out to be? It is a discourse of the Standing Order itself.

Nobody here who spoke about it spoke about bringing back the time. Everybody who spoke in sort of support to Sen. Mark's Motion spoke about the speaking time. The Standing Order itself—if you want the Standing Order change there is a Standing Order Committee. Go back to the Standing Order Committee, bring up your points, and the Standing Order Committee has some protocols to go through to decide if we need to revise the Standing Orders. But to say that the Government is using its majority to stifle the Opposition, to stifle the democratic process, to stifle the debate, it is furthest from the truth. We are not of that.

The Standing Orders are there, but as Sen. de Freitas rightfully said, you know, in Physics they say, a gas expands to suit to fill the room in which it is. So if you have gas in a small container and you open the container it will fill this big room, you know. That is Sen. Mark. You give him any amount of time and he will take it. [*Laughter*] I think this Minister of Foreign and Caricom Affairs put it quite lucidly, you know, he took 45 minutes to argue for 45 minutes. But having said that, that is the point I wanted to make. You speak about complex legislation. All legislation is complex. You are debating in a parliament. You have to make your point—in most parliaments, we have not done in-depth research, but our speaking time is longer than most parliaments, in particular the British Parliament. Sen. Mark went on to say, the British Parliament is 600 and something with back benchers and they have committees and committees. Yes, we know that. He also said that their Cabinet is 23. The UNC Cabinet was 33, you know. The mighty England, the colonial power has a Cabinet of 23. The UNC had a Cabinet of 33.

So, they are saying things that really do not make sense. They have articulated a position today that to me is very disappointing. We have monitored this situation with science. Not the science that the expunged Sen. Roberts mentioned. It is not sinister science. Dr. Parasram, I do not want to bring him into

the debate, he was undeniably the *Express* Individual of the Year. He is cool, calm, collective and scientific, and his battery of experts, Dr. Hinds and all the various—and what I admired about the Ministry of Health is that they did not portray one person. They brought everybody on different specialities to articulate to the population, so it was not a one-man show. It was not saying that somebody controlling it. Everybody in their area of expertise came and explained specifically, whether it is pregnant women, whether it is children, whether it is geriatrics, whether it is paediatrics, and they all came to the population trying to communicate.

The Prime Minister himself made strategic interventions once every two weeks, once every three weeks, announcing major policy shifts as we navigated through this pandemic. And the pandemic is with everybody. Why do you think we social distance? And that has been covered, the sanitizing, the mask wearing. All of that is for the health of the nation. So, Madam President, we claim to be leaders. We claim to be representing 302,000 people on the Opposition side.

**Sen. Mark:** Three thousand and nine.

**Sen. The Hon. F. Khan:** Three thousand—309,000.

**Sen. Mark:** Three hundred and nine—

**Sen. The Hon. F. Khan:** We obviously represent more on this side, that is why we are here and you are there [*Desk thumping*] and that is what democracy is. Democracy is the party with the majority forms the Government. There are rights for the Opposition, and this country is so well-structured, basic coming out of Westminster. When you bring Bills that affect entrenched provisions, you have to have special majority; three-fifths, two-thirds, and in some cases three-quarter so, we do not have a special majority in any form or fashion.

If we bring Bills that we think are in the public's interest and in the national

interest that require a special majority, the UNC has taken the position even before hearing what the Bill is about, they are not going to support any special majority Bill. What type of governance you are telling this country about? Wake up! This is the new normal, you know. This is the new normal! The new normal where society wants better levels of governance. Whereas society is demanding more of its leaders, where the society requires now more bipartisan approach to governance, and that is what the population is expecting of us. And we cannot give up our responsibilities as leaders. We are not Senators here to get a car loan and to do anything, you know. We are Senators here to represent. To come here and be serious, to come here and debate, to come here and research, to come here and be objective. That is our responsibility. We owe it to this nation.

So, Madam President, these amendments that I proposed earlier today have been thought through. Have been thought through with the scientists. It has the sanction of the hierarchy of the Government, including the hon. Prime Minister. I had a discussion with him couple days ago, and I outlined to him the situation, and we discussed it, and we came to the conclusion that this is the best way to go. We cannot signal to the population that all is well. If you only do that you will drop our guards, so as good as our numbers are showing, as the Minister of Foreign and Caricom Affairs say, the running average is now four per day, but there are still risks. The borders are still closed. So we have to know that we have to be safe. We have to see this pandemic as still a threat. As still a dangerous threat to Trinidad and Tobago. And if we have to ease our way out of it, we must do so gingerly and cautiously, and this is what this amendment that I proposed earlier today is about. And that is why, as the hon. Minister of Foreign and Caricom Affairs has said, by that Motion that I moved earlier today, has really made this debate a moot point. And what all this debate has shown, is how ridiculous the Opposition is in its



thinking as to what is transpiring in this country. You cannot come here and say, these time restrictions being now eased up is an attempt to stifle democracy, is an attempt at totalitarian government. Next thing you will say we are fascist. All that is just rhetoric and jargon. Okay! And it will go nowhere, it will get no traction in Trinidad and Tobago.

So, Madam President, as I said, as I wind up, I stand here as Leader of Government Business, I have articulated the rationale and the logic and the science behind the decisions we have taken, and in that context, this bench and this Government cannot support the Motion of Sen. Mark in its current construct. I thank you. [*Desk thumping*]

**Madam President:** Before I call on the next speaker, may I just remind Senators that you are supposed to be wearing the mask while you are in the Chamber, and wearing the mask properly. I am now seeing where some Senators have the mask beneath their nose, their noses. That is not the right way to wear it. It makes no sense to be wearing the mask, and that is what you are doing. Please do not put me in the position of now being the mask police and having to call out Senators for not wearing their mask properly. And then the second thing is, the only time that you are to take off your mask is when you are in the booth. Not before. You are going to the booth you take it off and you make your contribution, you put it back on and you leave. Okay? Sen. Nakhid. [*Desk thumping*]

**Sen. David Nakhid:** Madam President, I thank you for the opportunity to join this Private Members' Motion by the hon. Sen. Wade Mark. Now, having listened to all the contributions I think it has become imperative why this Motion has been bought by the Opposition Senator. This has not been an attempt—I will not fame it as an attempt by this Government, by the PNM Government to thwart democracy. It is in fact thwarting democracy. There is no attempt, it is a blatant thwarting of

our democracy and this is why, and I do not need 45 minutes, or 40 minutes, or 35 minutes to point out the hypocrisy of the contribution by the Minister of Energy and Energy Industries when he spoke about the Opposition bringing this debate into disrepute. One only had to hear and listen to the tripe contributed by Dr. Amery Browne—

**Madam President:** Sen. Nakhid—

**Hon. Senator:** Madam President.

**Madam President:** Sen. Nakhid, please take your seat. Please, can I ask you to refine your language? Okay?

**Sen. D. Nakhid:** I am guided, Madam President. So, having said that, I believe that when one listens to the intent of what was mentioned, we would like to state categorically this is not about criticizing the Government. This is about trying to find out, as the hon Sen. Anil Roberts implied, inferred, referred to, what is the science behind the curtailing now of our speaking time. I really want to know that.

If at any point in time any of these people on the opposite side can point out to me the science, I will go against my own side and agree with them. But they cannot, because there is no science to it. It is all about making comments. It is all about for them trying to limit what we have to do, and are mandated to do for the citizens of Trinidad and Tobago. So, this effort by the hon. Minister of Energy and Energy Industries to try and somehow use reverse psychology against the Independent Bench, talking about, referring to them in a sterling manner, they do not agree—from their contribution so far—that our times should be curtailed, because in like mind, what is the science? And that is my only question. If they can point out to anyone here in this Chamber the science behind cutting our time, curtailing our time, when we have the mandate of the people of Trinidad and Tobago, to look, examine, forensically examine the legislation before us,

procurement legislation, that we are not in agreement with, bail amendment, all of these things that we have to look at and we need time to say it.

And again, I repeat for clarification, and I repeat that somehow it can enter into the mind space of some of those on that side. Their own AG, the hon. Attorney General, has stated several times, and so have I, that this is not enough time, 20 minutes, to make the necessary argument for what we deem to be important legislation. So to come here now and pontificate this hon. Minister of Energy and Energy Industries to the Opposition about our manner when his own colleague, in my opinion, brought this whole debate two or three levels down—physician heal thyself. So, again, Madam President, this debate, in my opinion if in truth and in fact this one does not have to be lengthy. If they on that side, instead of talking around the issue, instead of skirting the actual central point of the issue, what is the science and the reason for curtailing our time of speaking as mandated in the Standing Orders, as we are paid to do by the public of Trinidad and Tobago. We on this side, and I am sure the Independent Bench as well would agree, but they cannot and have not, and this leaves them wanting. It leaves them wanting as usual.

I mean, this is a government, in most things, this is a—thank you Madam President, this is a government in most things, touches on the point. Always touches on the point, but superficial and cosmetic in everything else. No substance to them, and this is a prime example of that. So, they will come and say and disagree with Wade Mark attempt to ridicule his presentation, again, found wanting. My question to all of my hon. Colleagues, if you cannot indicate to us the science behind the curtailing of our speaking time, then you should quickly, quickly support what the hon. Sen. Wade Mark has proposed, and for once man up, woman up, and do the right thing. Thank you, Madam President. [*Desk thumping*]

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence**

**Rambharat):** Madam President, if ever there was a case for reduced—for zero speaking time, we just had it there. Because all Sen. Nakhid needed was time to say we need to see the science, that is 30 seconds, and something else he said four times, very, very, very, very, or something like that.

It is very disappointing, Madam President. I want to say that I was here when it all started. The very first opportunity we had to speak on COVID, I made the point that the only thing that was certain at that time was the uncertainty, and even now, 10 months after, COVID remains uncertain. We are not out of it yet. Things may look, seem better, but we are not out of it yet. And what we confronted as a Parliament, Madam President, was uncertainty. And my friends have made a fundamental—to use Minister Khan’s word, “error”, because you have focused so much on speaking time, you have focused so much on speaking time without talking about what you wanted to speak about, and how much you actually spoke, and how much you actually did. But the reason why we had to search all over to get a parliament that reduced speaking time, Greece, was because parliaments across the world took even more severe action, and I will give you some examples, and I will just ask you to go to the inter-parliamentarian report, dated 16 October, 2020, which lists in alphabetical order the Parliaments from around the world.

Afghanistan, limited meetings. These are some examples: Canada, the Canadian Senate came out on April 11, 2020 to deal with something COVID-related and did not return until June. The Commons came out on April 20, 2020, did not come out until the end of May. Costa Rica, reduced sittings. Denmark, emergency sittings only, and the debates involved fewer MPs than normal. France, one sitting per week and a limit of 10 questions to the government. Greece, half the speaking time. Iceland, emergency bills only. Italy, urgent matters only. Jordan, limited committees and no plenaries, and no session like this. No plenaries.

Madagascar, no Parliament. And I could go on and on and on. So, Parliaments have used a combination of different things during this COVID period. No sittings, sitting on urgent matters only, sitting on emergencies only, a limited number of speakers, limits on speaking time, as in our case.

And those parliaments that resumed and continued with regular speaking time did it because they adopted the virtual parliamentary meetings, and I think it is—one of my colleagues made a point that I connected with, the fact is that I am happy to be able to use virtual for committee meetings, and we have continued those committee meetings, but I am even happier that we could have these debates in person, because they are better conducted in person, and we should only go to virtual if we have to. But we have had the opportunity to be here, and I will give you some details. And Sen. Mark, not surprisingly, went to Australia to find foundation for his contribution. But you missed one important point in using Australia as your model Sen. Mark, and that is that the speaking time in Australia, the regular speaking time is 20 minutes. They do not have 40 and 45, they have 20. You have the option, as we used to have before the change in the Standing Orders, they had the option of an additional 10 minutes. But the fact is that they did not need to change their speaking time because Australia has only 20 minutes.

And Sen. Mark referred to the session, the very good session that is being hosted by the Commonwealth Parliamentary Association that many of us are attending, and he referred to, in advancing this case for speaking time, and I followed it yesterday, and I know Sen. Mark is very attached to this Bills Committee, where the Bills would be introduced and go to this Bills Committee. And as I said in the session yesterday and I repeat today, we have more time as legislators, we have more time doing our work than legislators have in parliaments around the world. And the only reason the UK has that clearing house of a Bills

Committee is because Members of Parliament in the UK and in Canada very rarely have the opportunity to speak on a Bill, They very rarely have the opportunity to do that. And it is in the committees that a lot of them get to contribute and have their constituents see the work they are doing. And I referred yesterday to the number of opportunities for legislators, even during COVID to make contributions, not only their expert contributions in relation to the Bill, but to demonstrate as we all have to, to our constituents that we are pursuing their interest, and some of you have declared that you serve 309,000 people. Well, none of us have the luxury, let me correct you on that. We all serve the people of Trinidad and Tobago. It does not matter who they voted for. [*Desk thumping*] It does not matter who they voted for.

And we have the opportunity apart from the fact that we have not curtailed these sittings, the committee meetings have taken place, we had a break, and they have maintained the length, and we have not introduced a limit on speaking time in the committees, so you have had our Joint Select Committees, the options for select committees, and the committee within the debate itself, as we examine the Bill, and I will come to that.

I want to say in relation to Sen. Lutchmedial, in particular, because it struck me that you would draw reference to the need for Members to contribute their expertise and draw attention to my colleague Sen. Welch. And during the committee stage of the Evidence (Amdt.) Bill—I was here most of it in the committee stage, but I was also down in the lounge for a period, and I got a very close up view of the screen of Sen. Welch and Sen. Vieira, in combination consulting with each other and collaborating, as they made submissions and dominated as I was happy they did, the committee stage on the Evidence (Amdt.) Bill. And no additional 20 minutes could compensate or add as much value as the unlimited time you has in the committee stage, and that to me is where you really

lend your expert opinion.

For example, Sen. Thompson-Ahye who has the opportunity as she does not have on the floor, to correct us by insertion of semicolons, colons, full stops and grammatical changes. [*Desk thumping*] [*Laughter*] So that we have had that opportunity, and we have had as my colleague Sen. de Freitas tried to point out, when we go through as I have gone through, and I will come to that, from May 1<sup>st</sup> when we resumed, May 01, 2020, when we resumed after the initial shock of COVID, and the restrictions, and we set about our sittings, about 16 sittings or 17 sittings throughout, every sitting we had we had the usual Urgent Questions and Questions on Notice and Motions and Motions on the Adjournment, and the bulk of them dealt with COVID-related matters, and it came from Members from the Opposition and Independent Senators also. And the point Sen. de Freitas was making is that affords the opportunity to ask things that you would not be able to ask, or to have matters addressed that you would not be able to address in an ordinary debate. So while you are fighting for 20 minutes or 10 minutes more on a Bill which is specific, and for which you may be ruled offside Sen. Nakhid from time to time, you have the opportunity through these questions, and through the other things that you can do to represent the interest that you claim to represent.

But, Madam President, because I had the opportunity in the absence of Sen. Khan as you know—Sen. Khan was ill during that period last year—to function as Leader of Government Business. I could tell you that I am extremely proud not of only the legislators, Madam President, and of you, but of the staff. Because none of you who have spoken so far have addressed one of the main issues. One of the main issues we had to deal with was not representing our interest in sitting here for 12 hours, but recognizing what we were told by the Parliament that the staff that supports us. They have families and they have, you know they have situations,

some of them use public transport that was not available at the time, and it was restricted and so on. We were told about the catering facilities and the limitations of that, the need to have the Parliament cleaned and reorganized for the sittings that followed and so on. And part of managing the time differently had to do with the fact that we were not only looking after our interest as legislators, but the support system that operates for all of us.

**5.50 p.m.**

But, Madam President, not for one minute I want anybody to believe that we short circuit or short cut this country in dealing with the Parliament work during the period May 01, 2020, to now. And I will tell you that during the May period, the month of May last year, we had eight sittings. Ordinarily, we would have had four or five sittings, as you know, in a month, but we had eight sittings in May last year. And I will tell you, Madam President, that I am sure that it must be unprecedented in this Parliament's history that any version of a bench, a group of us, we sat from May 01, 2020, and for seven consecutive sittings we passed seven Bills. I do not think there is any group in this country's history in this Parliament that could say that for seven consecutive sittings, we debated and passed a Bill at each sitting. And that was: the TTRA on May 1<sup>st</sup>; the Administration of Justice (Electronic Monitoring) (Amdt.) Bill, May 5<sup>th</sup>; the Miscellaneous Amendments (No. 2) Bill, May 6<sup>th</sup>; the Copyright (Amdt.) Bill, May 12<sup>th</sup>; the Motor Vehicles and Road Traffic (Amdt.) Bill, May 13<sup>th</sup>; the Animal (Diseases and Importation) (Amdt.) Bill, May 19<sup>th</sup>; the Real Estate Agents Bill, May 20<sup>th</sup>. And at the same time, as I said before, we dealt with vaccines, COVID funds to religious organizations, help to microbusinesses and small businesses, and so on. And on May 26<sup>th</sup>, we closed the month of May with Private Members' Day as usual.

The month of June 2020, we had eight sittings and we dealt with: the



registration of deeds legislation on June 2<sup>nd</sup>, which we passed; Interception of Communications (Amdt.) Bill on June 3<sup>rd</sup>, which we passed. On June 3<sup>rd</sup>, we went on to day one of the urban planning legislation; June 9<sup>th</sup>, one week after, we debated and passed the miscellaneous provisions Bill and we also moved on to day two of the Urban and Regional Planning Profession Bill. On June 15<sup>th</sup>, we dealt with the Finance (Supplementary Appropriation) (Financial Year 2020) Bill and passed it; June 22<sup>nd</sup>, we dealt with the Domestic Violence (Amdt.) Bill and passed it; June 23<sup>rd</sup>, we resumed the seating of all Senators in the Chamber because for that period, leading up to that day, we sat in a limited number in the Chamber; June 29<sup>th</sup> we had the Miscellaneous Amendments Bill—the second one—which we debated and passed; June 30<sup>th</sup>, you may have forgotten, we were interrupted by the events in Port of Spain and we had a four-minute sitting and we were interrupted, and we resumed on July 2<sup>nd</sup> and we completed the committee stage of Urban and Regional Planning Profession Bill and passed it.

Madam President, in this period, when we are complaining that we did not get to talk and we did not get to this and we did not have the rights—the fundamental rights, to use Sen. Mark's language—Sen. Mark, if I was not a strong fella from Rio Claro, I would have broken down and cried [*Laughter*] when I heard. Because in Sen. Khan's absence, I relied on you to assist in shepherding this group—

**Sen. Gopee-Scoon:** Really?

**Sen. The Hon. C. Rambharat:**—and I was surprised that you would describe that period as a period of democratic backsliding, when France was not even sitting on the people's business and we were here on regression.

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

And you are talking about imperceptible changes. You were considering

making small changes and important changes, to facilitate the democratic function of this Parliament and this Government. And you calling imperceptible changes towards your usual Gestapo, and the line-up that I have on the *Hansard* already—

**Hon. Senator:** Fascist.

**Sen. The Hon. C. Rambharat:** Fascist, yes—and us using our majority. Sen. Mark, we did not use our majority. When in May 01, 2020, when I sought leave to suspend Standing Order 43(1) and moved the Motion to reduce the speaking time, your whole Bench was not even here. You only had four votes from your Bench and we had three votes from the Independent, in Opposition, and it was passed 16 votes, seven.

In other words, if you were so serious about guarding and defending and blocking the onslaught of the PNM, then you would have had your six Members to do that but you did not. And at no point, until now, have you felt that you have lost in any way because you understand that while major democracies around the world were struggling to continue to do its work, this Parliament performed admirably continuing the work of the country, dealing with COVID, dealing with the legislative agenda, moving the country into a general elections. And I am proud to say, Mr. Vice-President, in 17 sittings from May 01, 2020 to July 02, 2020, this Parliament in 17 sittings, passed 13 Bills and got the work of the country done. I thank you very much. [*Desk thumping*]

### ADJOURNMENT

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Mr. Vice-President. Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, March 02, 2021 at 1.30 p.m. We will be debating the THA (Amdt.) Bill in that sitting, carrying it through all its stages.

**Sen. Mark:** “I thought he going Tobago”—the Prime Minister.

**Mr. Vice-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.

**Sen. Mark:** You see how I does speak. [*Laughter*]

**Protection of Press Freedom  
(Strengthening of Legislation)**

**Sen. Wade Mark:** Thank you, Mr. Vice-President. Mr. Vice-President, the first matter I would like to address is for the need for the Government to bring to Parliament an amendment to the appropriate legislation to strengthen protection of press freedom in light of a recent decision in the High Court.

Mr. Vice-President, the Constitution under section 4(k) states that there shall be:

“freedom of the press.”

Freedom of the press is a fundamental human right and freedom which should never be taken lightly and or flippantly. Therefore, the invasion of Express House by segments of the Trinidad and Tobago Police Service which resulted in the seizure of material, sensitive journalistic material, represented an abuse of authority and we believe that this took place during the absence of the substantive Commissioner of Police who was out of the country at the material time.

Arising out of this development, we believe that there is an urgent need, Mr. Vice-President, for this Parliament to have before it legislation to address greater protection and greater guarantee to press freedom in this country and more particularly, the protection of journalistic sources.

Mr. Vice-President, March 11, 2020, may well go down as a day of infamy in this country when there was an invasion by certain elements of the TTPS, which

at that time and from my assessment, constituted a threat to our democracy when they raided and seized, on the premises of that daily newspaper, several data files. This assault on the media represented a dangerous development and a virtual intrusion of press freedom in our country. And the Government of this country has to explain this ugly development because it was this Government, led by the hon. Prime Minister, which brought a number of pieces or series of legislation aimed at stifling, stymieing and repressing the people's rights and freedoms.

May I, Mr. Vice-President, point out to you that the PNM brought the following dangerous pieces of legislation which from our perspective undermined and eroded citizens' rights and also undermined institutional rights at that same time, in the context of institutions like the *Express*. And I refer to the Cybercrime Bill, the Sedition Act, the Interception of Communications Act, the amendment to the SSA Act. And, Mr. Vice-President, there is need for us to look at what took place on that day and against this background, we are calling on the Government to address legislation aimed at ensuring that the freedom of the press that is enshrined in sub-section (k) of section 4 of our Constitution is in fact protected.

The March 11<sup>th</sup> attack represented a frontal assault and an unprecedented move by this Government against press freedom in our country. Mr. Vice-President, this invasion could be seen as an abuse of power by a small element of the TTPS and that this invasion took place, as I said, during the absence of the substantive Commissioner of Police. So important is press freedom in our country that the framers of our Constitution entrenched it under section 4 of our bill of rights. And therefore, it is important for us as a Parliament to ensure that no ordinary JP or magistrate should continue to have the power to sign warrants to give the all-clear to police to invade media houses and seize sensitive equipment and materials. This, if allowed to continue, could lead to what is beginning to show

in this country, an authoritarian and totalitarian regime.

The question that we would like to ask and I would like to pose is as follows: Was this invasion of Express House an act in isolation or was it an act of vindictiveness? Was it a witch-hunt owing to a story that was published by the *Trinidad Express* that was unfavourable to a senior police officer? These are questions that we need to clarify, Mr. Vice-President.

We also need to, Mr. Vice-President—

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

**Sen. W. Mark:**—as we are on this attack and assault on the freedom of the press, we need to pay attention—because this took place on the 11<sup>th</sup> of March, 2020. But between the 1<sup>st</sup> of—in fact, the 13<sup>th</sup> of January to October the 9<sup>th</sup>, a mysterious trader, a mysterious individual or parties of individuals were involved in trading of hundreds of thousands of OCM shares and they were selling these shares—they were buying them at a very high price and they were selling them at a very low price. At one time, Mr. Vice-President, the shares were being traded as 6.50 per share and this mysterious trader was selling those shares at just about \$6.15. Who would want to buy at 6.50 and sell at 6.15?

So the question that has to be asked here is whether there is a connection, Mr. Vice-President, between the trading of 631,859 shares on the stock exchange, that is OCM shares, by this mysterious trader and the connection of the invasion of the *Express*? These are matters I do not have all the answers to and on, but we need as a Parliament to get answers, whether somebody not only conspired to orchestrate the invasion of the Express House but whether there was a simultaneous attack on the shares of the *Express* which is a member of the OCM group. These are issues that the Government needs to answer and to clarify for the citizens of this country. I thank you, Mr. Vice-President.

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** [*Desk thumping*] Mr. Vice-President, I thank you very much and, Mr. Vice-President, I thought I had heard it all until we got to the end there—almost to the end. And it is like John Grisham on steroids. [*Laughter*] It is a comedy, the Motion which seemed simple enough calling on the Government to bringing legislation to strengthen the protection of press freedom. Mr. Vice-President, we got to insider trading, invasion of the *Express* and the protagonist seemed to vary. I want to place on the record, Mr. Vice-President, this matter is of course on appeal. The Motion speaks to the High Court decision and the matter is on appeal by the hon. AG and I would not go into the matter and I do not need to go into the matter because Sen. Mark, in his Motion, has not even addressed the matter.

I will say, Mr. Vice-President, that the Government recognizes that this issue of preservation of press freedom, the constitutional protection is important. It is something that has come up in the Cybercrime Bill that has spent sometime in the Joint Select Committee process and the Government is cognizant of the objections raised by members of the media to one particular provision in that Bill. But having said that, and insofar as Sen. Mark wants us to deal with the constitutional protection, we look forward to support for the Cybercrime Bill and the whistleblower Bill which we have brought and which did not make it through the Parliament as yet, but we hope to. But the protection of journalistic sources, which is at the heart of the litigation, is something that we recognize as important.

Mr. Vice-President, it is—I will describe it as relatively new. Canada may be the closest precedent for us and it is only in 2017, on the basis of the case of *Grant v Torstar Corp*, the publishers of the *Toronto Star*, that Canada moved to enacting legislation—the legislation which protects the journalist sources used in the

communication of stories and information via the media. But it is something that the AG is giving attention to and, of course, is also looking at the appeal process to see what happens with the particular matter that Sen. Mark has referred to.

I want to say, Mr. Vice-President, however, that even in his own form of pursuing his Motion, I want to make it clear and place on the record that the Government is in no way involved with the police action. That is the subject of that High Court matter and the appeal. The Government—the Government is in no way involved in anything relating to insider trading in OCM; no way involved or influencing any attack on that particular media house, media group or any media practitioner in the country. Sen. Mark has listed some legislation, SSA, interception of communications, gone back to the Sedition Act.

Mr. Vice-President, the fact is that every time, as an administration, we try to balance competing rights in the society, particularly, the fight against crime; every time we try to place limits on individuals' rights and the exercise of individuals' rights for the protection of the majority of right-thinking people in this country, the Opposition greets us with the same reaction and ends with not supporting legislation that we bring. And this is yet—this attack is worse than the attack on the Express House because Sen. Mark knows that the Government was in no way involved, they have a responsibility to pursue certain things through the judicial process and we are doing that and at the same time we are looking at the way the law develops to determine whether in fact we should bring legislation similar to the Canadian legislation to protect journalistic sources. I thank you very much. [*Desk thumping*]

### **Shipping Companies Freight Charges**

**(Payment in US Dollars)**

**Sen. Wade Mark:** Mr. Vice-President, I thank you. Mr. Vice-President, the

second matter deals with the decision by several shipping companies to accept only US dollars as payment for freight charges for goods shipped into and out of this country and the impact of this decision on prices, employment and business activity.

Mr. Vice-President, because of the comprehensive, incompetence of this visionless and intellectually bankrupt PNM administration, we have had manifestation of a reduction in the volume of trade which has led to less containers being shipped to Trinidad and Tobago, and this has resulted in an escalation in the cost of freight charges to the importers of these commodities. Mr. Vice-President, let me give you an example. Not only are they getting less volume manifested in less containers being shipped, when they get their TT dollars—that is their agents, shipping agents—they put it in the bank and when they get \$50 million gathered, they now want foreign exchange. There is no foreign exchange. So they are now demanding, when I send you a 50-foot or a 40-foot container, I want all my money in US dollars. No longer are they accepting TT dollars. Mr. Vice-President, that has caused a monumental crisis in our economy. Let me give you an example. They have increased freight charges because of the volume that they are trading now—it is less because of the demand, freight charges.

Mr. Vice-President, in 2020, a 20-foot container would have cost the importer about US \$3,000. In 2021, that same container is causing that importer US \$5,000, an increase of US \$2,000 because of the increase in freight cost. So you have to find \$2,000 more to pay for the same 40-foot container. It is not two, it is the same one, Mr. Vice-President, because of freight charges. What this means is that there are higher cost of goods to the consumer in our country. It is estimated that when this thing is worked out, the increases could be between 20 to 50 per cent in the increase in goods in this country.



Mr. Vice-President, this increase cost that the importers have to bear, they are not absorbing that. That is going to be passed on to the ordinary consumers in this country. And when you add customs duties which is levied on the CIF, cost insurance and freight you have it coming up, Mr. Vice-President, to a lot of money. They have to pay extra charges. Then when you cannot clear your goods in time, what happens? You have to pay rent and demurrage charges. All of these things are taking place because of the incompetence of this Government. Foreign exchange is not available.

When we left office, the UNC/PP, we left close to US \$12 billion or there about or approximately. Today it is about 6.6 or 6.8. We had about 11 and a half month's import. Today we have about six months or seven months import and the foreign exchanges keep going. Mr. Vice-President, if you have a credit card with Republic Bank and you used to get US \$12,000, that has now been reduced to 10,000.

So the foreign exchange crisis is worsening. What does that mean, Mr. Vice-President? It means to say that the importer has to go on the black market in order to buy US dollars because "none in de bank"—and if they give you, it is just "ah chirrup-chirrup". So you have to go and buy. You know what is the price of a US dollar on the black market? It is between US \$8 and US \$9. Mr. Vice-President, that means that the cost will be passed on to the consumers.

So when goods reach that kind of level, Mr. Vice-President, how are poor people going to survive in this country? The Government has said nothing on this matter. The Minister of Trade and Industry has said nothing, has remained silent as if we are heading towards Christmas, silent night. Mr. Vice-President, where are we going with this? Let me tell you what are the effects of the higher shipping charges. The prices for goods, Mr. Vice-President, as I said, will become more

expensive.

**6.20 p.m.**

Mr. Vice-President, falling demand will result. So less and less people will come to your shop or your business to purchase goods and services because of the escalating costs and prices that you are charging them because you have to cover the kind of costs that you have to pay now, from \$3,000 to \$5,000, and when you add CIF, customs duties, you get another \$4,000. So you are taking about—it is too much money, Mr. Vice-President. Another \$4,000 or maybe \$2,000 you have to pay.

So, Mr. Vice-President, what is happening is that business activity is being negatively impacted. Unemployment is arising out of this development. Underemployment is arising. Business closure is taking place. Mr. Vice-President, go to Trincity Mall, go to the Long Circular Mall; go to Trincity Mall and you will see—in Port of Spain there is a mall on Frederick Street—there are empty stores because business closure is really on the rise. Mr. Vice-President, that contributes to crime. That is why crime is going to increase and is being increased in the country because everything is interconnected, and poverty is as a result of all of these developments too.

Mr. Vice-President, what is even more important is that foreclosures are on the rise because as people are laid off they cannot service their mortgages, and the banks and the mortgage companies are closing in, and closing down, and taking over their properties. This is a crisis that we have in our country and the Government has remained silent on this matter. Nobody has heard any—

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

**Sen. W. Mark:** So I am calling on the Minister of Trade and Industry to break her silence today and let her explain, let the hon. Minister, that is, explain to this

country with these increases in cost of freight, CIF, and the impact on employment on prices and on business activity, what measures are being taken by this Government to stem this haemorrhage that is taking place in our country.

That is my Motion today. That is the essence of my Motion to get the Government to account to the people for rising prices, rising unemployment and a precipitous rise in business closures in this country, not to mention foreclosures of people's property because they cannot pay the banks or the mortgage company. Mr. Vice-President, I thank you and I wait on the hon. Minister to respond to this emerging crisis in our country. [*Desk thumping*]

**Mr. Vice-President:** Minister of Trade and Industry.

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Thank you very much, Mr. Vice-President, and for the population's sake let me bring us back to the Motion which we are supposed to be looking at, which is the decision by several shipping companies to accept only US dollars as payment for freight charges, for goods shipped in and out of this country and the impact of the decision on prices, employment and business activity. And this issue, Mr. Vice-President, would have come to our attention in the national newspapers. It was an article—the first one that I saw in the month of January was where four shipping companies, that is, four shipping companies stated they will only be accepting payment of freight charges in US dollars; four shipping companies. And it is that the invoicing of international shipping services for goods shipped into and out of this country has always been and continues to be quoted in US dollars by shipping lines or freight forwarders, and there is a difference, Sen. Mark, in the shipping lines and freight forwarders, and the agent. So the US dollar is a primary quoting currency used in the marine industry for international shipping services.

Now, the practice of local agents—that is different—of shipping lines is to

accept TT dollars to settle the US dollar quoted invoices if their customers, that is their exporters and importers, requested that payment option. In turn, the local agent will then buy the foreign currency from the authorized dealer or banks in order to get the foreign exchange to settle the invoices of the foreign shipping line. So in effect, local agents provide that service to their customers in obtaining the necessary foreign currency to settle the final payment of US dollar invoices to the shipping line, and this recent decision by some local shipping agents, four of them as I said, to accept only US dollars as a payment for freight charges was on account—and we would admit—of the challenges which they encountered when they tried to convert the TT dollar payments which they collected from clients, into US dollars in order to make the final payment to their foreign shipping lines.

Some local shipping agents, not all, may have encountered delays in obtaining the US dollars from the authorized dealers, as I said the banks, and it is that some of these shipping agents decided only to accept US dollar payments to honour the US dollar quoted invoices of the shipping lines or to accept TT dollars to settle the US dollar quoted invoices but at a conversion rate based on the rate they would have paid for the foreign currency. Well, we know that the bank rate is 6.8. So, in this context persons seeking shipping services who do not wish to pay for the service in US dollars are free to seek such services from other providers willing to accept TT dollars at an appropriate rate. In other words, it is a customer's choice and you can choose which shipping agent that you wish to deal with. It is four of them that have decided that they will only accept US dollars. And to the extent that this represents an additional cost of doing business, it is possible that some of the cost may have passed on to consumers. It is likely to be a relatively small cost given the share of freight charges in the total shipping cost.

So really there appears to be no evidence to date, that the cost of shipping

has been so impacted so as to soften the demand in relation to the imports or negatively affected the country's economic conditions. You have gone too far, Sen. Mark. I can tell you that the Central Bank had researched the matter and they in fact would have met with the shipping companies, the shipping association, the president and a couple of members. I know that the issue was examined legally and all of the legal circumstances around the question of the foreign exchange and so on, and I wish to say that there is no legal restriction on contracting to make payment in a foreign currency. So they are free to do it. In this regard, the shipping companies are free to include as a term of the contracting that all freight charges paid in Trinidad are to be done in US dollars. So nothing is wrong with what they have demanded because they certainly will not be offending the Central Bank Act or the principles relating to legal tender. It will really be a matter of choice for the customers to agree to these new terms. Right?

But Sen. Mark, you went a little wider and you said that shipping costs and freight costs across the globe—now, that is a different matter we are talking about—across the globe have gone up and I would admit that because we have been in contact with several business persons and we will understand that especially coming from China the freight rates have gone up phenomenally, and it is that these larger countries, China in particular, their demands have increased because their economies are beginning to accelerate—activities are being accelerated in these economies as they come out of this COVID pandemic or as the pandemic weakens in their country. My understanding as well that China is rapidly increasing its exports, and therefore, they are demanding an increased amount of containers, and sometimes containers are going up to China empty, but this is the way the thing works by demand and supply. So that as China begins to churn up its economy, it is having an effect on the rest of the world who are not yet at pace with

them.

We understand that there is a scarcity of foreign exchange in Trinidad and Tobago. Let us face it. For several reasons; COVID has had a negative impact on our energy revenues. Of course, we understand where energy prices have gone. We also understand that there are issues with production levels in terms of oil and gas as well. I am not going to go into that because the Motion does not require me to do that. But I want to say that during this COVID pandemic and understanding all of the events including the shortage of foreign exchange which we read about, and which we admit to some extent that there is, that Government has really stepped in and made interventions to support business activities. I can tell you that there are two targeted facilities; one, to facilitate the importation of essential items and emergency supplies, and also to facilitate the inputs into manufacturing. Both are being done through the Eximbank.

I can tell you despite the circumstances, our strange circumstances, the Government has made available to the Eximbank something like US \$200 million to facilitate our domestic manufacturing companies in terms of their requirements for inputs into manufacturing. And so, some 96 clients from across 17 sectors have benefited from this intervention by the Government. Another US \$200 million has been injected, a total of 400 looking at the both facilities and—

**Mr. Vice-President:** Minister, you have two more minutes.

**Sen. The Hon. P. Gopee-Scoon:**—this is to specifically target the importers and distributors of food and pharmaceuticals, and COVID-19 essential items, and this again was facilitated through the Eximbank. I want to say that, of course, there is the continued intervention by the Central Bank to facilitate the foreign exchange needs, and Central Bank continues to provide the stability to the local foreign exchange market by the periodic injections of FX into the market and so on.

As consumers, we have to pay attention, we have to do our part. Looking at our imports in 2020, there are about just a little bit short on what we imported in 2019, and it tells us that we have not changed our taste for foreign goods, and it is something if we talk there about it, perhaps there is a concern about foreign exchange, but then we all have to do our part because the numbers are not going down in terms of foreign exchange demands for all sorts of reasons. I have looked at inflation though and looked at especially food inflation, and as I have to rush through it I want to say that I looked particularly at the basket of goods and I have to say that looking at the period January to December 2020, that the basket of goods has only increased by .78 per cent which is less than 1 per cent for 2020, and I have looked, of course, at the headline inflation and core inflation. Headline inflation, yes, has gone up to .9 per cent in November 2020, but still under 1 per cent and, of course, our core inflation which excludes food and energy prices decreased from 0.3 per cent to 0 per cent in October 2020. Not too bad.

Of course, this has had an effect on employment globally and I am to understand—I have looked at the ILO “Labour Overview for Latin America and the Caribbean”; at least 34 million jobs in Latin America and the Caribbean as a whole have been lost on account of the COVID pandemic. We too would have had some job losses. I cannot quantify, but even the OECD has quoted an unemployment figure up from 5.3 per cent in 2020.

The end of the day, the effect of our depressed revenues in terms of our earnings really has had an impact but it will not last forever. Government is putting in place all of the necessary measures in the energy and non-energy sectors and we look forward to an improved economic climate overall in the not too distant future. Thank you very much, Mr. Vice-President. [*Desk thumping*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.34 p.m.*