

SENATE

Tuesday, April 25, 2023

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. Anil Roberts who is ill.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from Her Excellency the President Christine Carla Kangaloo, O.R.T.T.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA KANGALOO, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. DOMINIC SMITH

WHEREAS Senator Anil Roberts is incapable of performing his duties as a Senator by reason of illness:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, DOMINIC SMITH to be a member of the Senate temporarily, with effect from 25th

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April, 2023 and continuing during the absence of Senator Anil Roberts by reason of illness.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 25th day of April, 2023.”

OATH OF ALLEGIANCE

Senator Mr. Dominic Smith took and subscribed the Oath of Allegiance as required by law.

ADHERENCE TO THE RULES OF DECORUM

Mr. President: Hon. Senators, I rise to make a brief announcement as it relates to two occurrences, both of which were very evident at our last sitting and which have been a follow-on from previous sittings.

The first matter relates to the increasing occurrence of random disturbances by Members while another Member is making their contribution. At the last Senate sitting on March 28, 2023, this House witnessed a Member vociferously taking issue with a personal anecdote delivered during greetings by another Member. There is no doubt that such conduct is unbecoming.

As a starting point, allow me to remind the Members that the Standing Orders mandate that Members:

“shall maintain silence while another Member is speaking...”

That notwithstanding, you will agree with me that from this Chair, a degree of leniency has traditionally been granted in the context of light exchange among Members who are not speaking. However, it has become apparent that some Members have opted to disregard the Standing Orders and rather spectacularly disturb the contributions of Members even during greetings.

I remind Members that this practice is not in keeping with the rules of proper decorum in this House. Many learned parliamentary texts teach us that rules of parliamentary decorum are in fact customs of formality and courtesy. This is also enshrined in the Standing Orders and upheld by Members and this Chair in order to conduct the business of the people efficiently and in such a manner that can withstand scrutiny and reproach. I therefore urge Members to reacquire themselves with the rules of order provided for in Standing Orders 42, 51, 52 and 53, and thereby endeavour to comply and uphold the honour and reputation of this House.

This leads me to my second observation. Hon. Senators, it has been a well-established parliamentary practice in the Parliament of the Republic of Trinidad and Tobago to bring greetings on various nationally-recognized occasions. In this regard, greetings ought to be, at its nucleus, an ideal or a message that is inherently positive in nature relating to the occasion being observed. These greetings help us as parliamentarians to commensurate with the wider population at a more personal level.

I have noted with concern that in recent times, Members have used greetings to make overly charged statements or voice negative personal anecdotes. Hon. Senators, I wish to underscore that Trinidad and Tobago is rich in multiculturalism and as such, greetings must not and shall not be used in a way that may be construed as injurious. At all times, greetings ought to be respectful to this august House, to the occasions to which it relates and, by extension, to the people of Trinidad and Tobago. And so, as we move forward in spirit of multicultural pride, I look forward to hon. Senators' adherence to the rules of decorum in this regard. Thank you.

PAPERS LAID

1. Annual Report of the Ministry of Public Administration for the financial year 2014/2015. [*The Minister of Public Administration (Sen. The Hon. Allyson West)*]
2. Annual Report of the Ministry of Public Administration and Communications for the financial year 2015/2016. [*Sen. The Hon. A. West*]
3. Annual Report of the Ministry of Public Administration and Communications for the financial year 2016/2017. [*Sen. The Hon. A. West*]
4. Annual Report of Trinidad and Tobago Securities and Exchange Commission for the financial year ended September 30, 2022. [*The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne)*]
5. Annual Report and the Audited Financial Statements of the Heritage and Stabilisation Fund of the Republic of Trinidad and Tobago for the year ended September 30, 2022. [*Sen. The Hon. Dr. A. Browne*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Chaguanas Borough Corporation for the year ended September 30, 2014. [*Sen. The Hon. Dr. A. Browne*]
7. Ministerial Response of the Ministry of Health to the Fourth Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the Mental Health and Psychosocial Services Available to the Population during the COVID-19 Pandemic (with a Specific Focus on Measures to Curb Substance Abuse and Suicide). [*Sen. The Hon. Dr. A. Browne*]
8. Ministerial Response of the Office of the Prime Minister to the Fourth Report of the Joint Select Committee on Human Rights, Equality and

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- Diversity on an inquiry into the role of the State in Preserving the Cultural Heritage of the Indigenous Peoples (First Peoples) of Trinidad and Tobago. [Sen. The Hon. Dr. A. Browne]
9. Response of the Tobago House of Assembly to the Fourth Report of the Joint Select Committee on Land and Physical Infrastructure on an inquiry into the impact of landfills on the environment of Trinidad and Tobago. [Sen. The Hon. Dr. A. Browne]
10. Annual Administrative Report of the National Training Agency for the period 2014/2015. [Sen. The Hon. Dr. A. Browne]
11. Annual Administrative Report of the National Training Agency for the period 2015/2016. [Sen. The Hon. Dr. A. Browne]

**JOINT SELECT COMMITTEE REPORT
Local Authorities, Service Commissions and
Statutory Authorities (including the THA)
Land Settlement Agency
(Presentation)**

Sen. Dr. Varma Deyalsingh: Mr. President, I have the honour to present the following report as listed on the Order Paper in my name:

The Eighth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA), Third Session (2022/2023), Twelfth Parliament, on a Follow-Up Examination into the Recommendations Contained in the First Report of the Committee on the Administration and Operations of the Land Settlement Agency in Relation to Squatter Regularisation, 11th Parliament.

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORT
National Commission for Self Help Limited (NCSHL)
(Presentation)**

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Sen. Wade Mark: Thank you, Mr. President. I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

The Ninth Report of the Public Accounts (Enterprises) Committee on an examination of the Audited Financial Statements of the National Commission for Self Help Limited (NCSHL) for the financial year 2016 and follow up on the Implementation of the Recommendations in the Committee's Fourteenth Report from the 11th Parliament.

JOINT SELECT COMMITTEE REPORT
Representation of the People (Amdt.) (No. 2) Bill, 2020
(Presentation)

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

The Interim Report of the Joint Select Committee appointed to consider and report on the Representation of the People (Amendment) (No. 2) Bill, 2020, Third Session (2022/2023), Twelfth Parliament.

URGENT QUESTION
bpTT's Mahogany Hub
(Effects of Electrical Fire)

Sen. Wade Mark: Thank you, Mr. President. To the Minister of Energy and Energy Affairs: Can the Minister advise as to the measures being taken to address the shutdown of cooking gas production and several petrochemical plants at Point Lisas triggered by an electrical fire at BPTT's Mahogany hub?

Mr. President: Minister of Energy and Energy Affairs.

The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Mr. President. Mr. President, just is a correction, there is no longer any Ministry of Energy and Energy Affairs. It is the Ministry of Energy and Energy Industries.

So to answer the question, as has already been put forward to the population, there has been no shutdown of the one plant in Trinidad and Tobago that produces what is commonly known as LPG, which is cooking gas. This plant is Phoenix Park Gas Processors Limited. And in a release dated the 23rd of April, PPGPL, as they are known, stated very clearly:

Currently, PPGPL's processing units have been taken off-line for routine maintenance works that have been in planning for over a year.

In other words, PPGPL, in keeping with what is proper industry standards, a year ago had planned to take down their plant in order to do maintenance, which is a necessary component of effectively operating any such plant.

These planned maintenance activities—I go on—were always carded for April to May 2023, and are in no way due to any gas supply challenges in the sector. As part of PPGPL's planning for this period, the company engaged stakeholders to ensure that it would meet the demand for cooking gas of the population and will continue to do so in conjunction with the National Petroleum Marketing Company Limited, NP. PPGPL and NP continue to maintain adequate LPG inventory and, as such, there is no LPG shortage in Trinidad and Tobago.

It went on further to say, via the President of PPGPL, Mr. President, that:

Our shutdown...

I am quoting the President:

Our shutdown of the facility has been in the planning for more than a year, said Rampersad in a telephone interview. He said, the shutdown began on April 17th and is due to be completed in 19 days. As this is a planned shutdown, we have been building up our inventory of cooking gas to ensure that we can maintain supplies to the local market. We have been working

with the distributors of natural gas to ensure that there are no shortages in the local supply chain, Rampersad said. He said, PPGPL has enough cooking gas inventory to supply the local market.

Mr. President: Minister, the time for response to the question asked has ended.

Hon. S. Young: Thank you very much.

Sen. Mark: Mr. President, seeing that the Minister spent so much time on the cooking gas matter, may I ask the Minister, through you, whether he can confirm or deny the MHTL M4 plant, the TRINGEN II plant, and the three out of five Nutrien plants located at the Point Lisas estate are currently completely down because of a lack of supply of natural gas to these said plants?

Mr. President: Minister.

Hon. S. Young: Thank you very much, Mr. President. So, Mr. President, plants on Point Lisas, from time to time, similar to PPGPL, have to go down to do routine maintenance works. Some of those plants will fall into that category. The question, the original question, also talked about, and tried to link it, wrongly, to a fire on the Mahogany platform or Mahogany hub. If I may just briefly put on record the answer to that, and this is directly from bpTT's President, Mr. Campbell:

It was a small fire on a temporary piece of equipment and was quickly contained. The precautionary response process was followed and the platform shut down. After all checks were done, the platform was restarted within six hours and is back to normal production levels.

So, in other words, what went on at the Mahogany platform has nothing to do with the state of any of the plants on the Point Lisas Estate. What I can say is there have been some temporary difficulties in gas supply from one of our major natural gas upstream suppliers that have affected some of the plants at the Point

Lisas. Some of these plants are also utilizing the opportunity and the time to do routine maintenance. It does not mean that we are not always concerned about consistent gas supplies from upstream producers whom the Government and NGC have absolutely no control over what happens with respect to their production, save to being in a position, as we have done consistently, to ensure that all that needs to be done on our part is done, so there would be a maintained production of natural gas.

Mr. President: Sen. Mark.

Sen. Mark: Hon. Minister, when will a natural flow of natural gas to these plants that have been shut down and several of them operating at reduced capacity—can the Minister indicate when will there be a normal resumption of natural gas to fuel these plants that are critical to the Government's revenue in Trinidad and Tobago?

Mr. President: Minister.

Hon. S. Young: Thank you very much. And just to use the opportunity to remind the population, that as a result of what took place between 2010 and 2015, NGC was faced with over \$9 billion in claims as a result of curtailment of natural gas. That has led to difficulties with gas supply and gas control. And I can assure the population that with the restructuring and renegotiation of the contracts, we are not susceptible to any of those things that took place.

As we are speaking, some of the plants that were referred to by Sen. Mark are on their way to being restarted as they get gas supply.

Sen. Mark: So they have not been shut down, are you saying?

Mr. President: So this is the end of supplemental questions and urgent questions for today's sitting.

Hon. S. Young: Thank you.

ANSWERS TO QUESTIONS

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Mr. President: Leader of Government Business.

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, with respect to questions on notice, oral questions, the Government is prepared to answer questions 40, 41, 42, 88 and 93. We seek a deferral of two weeks on question 91.

With respect to written responses, the Government is prepared with questions 74 and 89, and we seek a deferral of two weeks for 84 and 90. Thank you.

Mr. President: Hon. Members, the deferral that the Member seeks is so granted.

WRITTEN ANSWERS TO QUESTIONS

Paria Fuel Trading Company Limited (Details of International Travel)

- 74. Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries: Can the Minister provide a listing of the international travel of Paria Fuel Trading Company Limited for the year 2022, detailing the following:
- (i) the names of the company officials who travelled on each trip;
 - (ii) the travel destinations of each trip; and
 - (iii) the costs incurred by each official on each trip?

Businesses Registered and Companies Incorporated (Details of)

- 89. Sen. Amrita Deonarine** asked the hon. Attorney General and Minister of Legal Affairs:
- Can the Minister indicate the number of businesses registered and companies incorporated for each year during the period 2018 – 2022, in the following categories:
- (i) Size - micro, small, medium and large; and

- (ii) Sectors - wholesale trade, retail trade, food services, construction, energy manufacturing, non-energy manufacturing and transportation?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Sen. Jayanti Lutchmedial:

Piarco International Airport Court Matter (DPP's Discontinuance of Prosecution)

- 91.** In light of the decision by the Director of Public Prosecutions (DPP) to discontinue the prosecution of the Piarco 3 Court matter in relation to corruption in the construction of the Piarco International Airport, can the Attorney General provide the following:
- (i) the reason(s) for this decision;
 - (ii) the cost to date incurred by the State in relation to the prosecution of the case; and
 - (iii) what steps are being taken to prevent loss of public funds owing to protracted prosecution by the State?

Question, by leave, deferred.

Auditor General's Report (THA September 30, 2015)

- 40. Sen. Wade Mark** asked the hon. Minister of Finance:
- As regard the expenditure listed under "Operating Payments URP-Contingencies Account Expenditure" in the Report of the Auditor General on the Financial Statements of the Tobago House of Assembly for the year ended September 30, 2015, can the Minister provide the following:

- (i) a list of companies which have been awarded contracts under said heading;
- (ii) the sum of each contract awarded; and
- (iii) the reasons why the documented contracts cannot be found in the financial statements appended to the Report?

The Minister in the Ministry of Finance (Hon. Brian Manning): Thank you Mr. President. As Sen. Mark should be aware, Standing Order 24(1) of the Senate makes it clear that:

“Questions may”—only—“be put to a Minister relating to any subject or department under the Minister’s administrative responsibility.”

It should be clear to Sen. Mark, who is a very experienced Senator, that the Tobago House of Assembly is not under the administrative responsibility of the Minister of Finance.

Further, Mr. President, the information being sought is available from the Auditor General through the Public Accounts Committee of the Parliament. The role of the Auditor General is clearly identified in section 116 of the Constitution of the Republic of Trinidad and Tobago, and the role of the Public Accounts Committee is clearly identified in section 119 of the Constitution. It should be noted that the Public Accounts Committee is chaired by an elected Member of the Opposition. The Ministry of Finance has no constitutional role to play in the auditing of the THA’s financial statements and should not get involved in the business of constitutionally independent entities. The Senator is advised to pursue the information requested through the Public Accounts Committee.

It is noteworthy that Sen. Mark has asked a series of comparable questions about the Report of the Auditor General on the financial statements of the Tobago House of Assembly for the year ended September 30, 2015. However, it is

important to reiterate the fact that:

“The Auditor General...”—is—“appointed by the President of the Republic of Trinidad and Tobago after consultation with the Prime Minister and Leader of the Opposition...”

That provision is entrenched in section 116 of the Constitution of the Republic of Trinidad and Tobago.

Further, the Auditor General is required, by law, to examine and report annually to Parliament on the account of Ministries, departments, regional health authorities, regional corporations, and such state-controlled enterprises and statutory boards for which the Auditor General is the statutory auditor, such as the Tobago House of Assembly. The portfolio also includes the audit of projects funded partly or wholly by international lending agencies, pensions, gratuities and other separation benefits paid by the State in accordance with the Pensions Act and other agreements, and the grant of credit on the Exchequer Account, in accordance with the requirements of section 18 of the Exchequer and Audit Act, Chap. 69:01.

With respect to the Public Accounts Committee, apart from prescribing:

“The Chairman of the Public Accounts Committee shall be a member of the Opposition in the House...”

—section 119 of the Constitution states that:

“The Public Accounts Committee shall consider and report to the House of Representatives on—

- (a) appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago;
- (b) such other accounts as may be referred to the Committee by the House of Representatives or as are authorised or required to be

considered by the committee under any other enactment; and.

(c) the report of the Auditor General on any such accounts.”

Further, Standing Order 72 of the House of Representatives states that:

“The Public Accounts Committee shall have the duty of examining...

(c) the report of the Auditor General on any Such accounts...”

—and can certainly request from the Auditor General the information being sought by Sen. Mark. Indeed, that is the role and function of the PAC.

Sen. Mark is therefore contrary to the Standing Orders by seeking to embroil the Ministry of Finance in matters which are the purview of the Auditor General and Public Accounts Committee.

Further, it should be obvious that it is only the Auditor General that would be privy to the information being sought, since the Ministry of Finance was not and could not, by law, be involved in the audit.

Sen. Mark: Mr. President, I think I need your guidance on this matter. The Minister is alleging that I am aware of Standing Orders concerning the questions I have raised. These questions have been approved by your good self. So I think it is highly irregular for any Minister to accuse a Member of the Senate who is asking and putting legitimate questions that have been approved by your good self, as the President of the Senate. So I think the hon. Minister ought to be very cautious in making these statements.

Hon. Senators: [*Desk thumping*]

Sen. Mark: So I just thought I should ask you to rule on this matter.

Mr. President: So, Sen. Mark, there is a procedure. The question has been asked. The question has been answered by the Minister in the Ministry of Finance. The only question I have is: Is there a supplemental? If there is no supplemental then I will ask you to move on.

Sen. Mark: I am going to my supplemental.

Mr. President: Do you have a supplemental, Sen. Mark?

Sen. Mark: Of course, I have several. Mr. President, through you, is the Minister aware of Chap. 8:04 of our Republican Constitution that gives the Minister of Finance a constitutional responsibility, not only to receive, to—

Mr. President: Sen. Mark, you are going to have to shorten—

Sen. Mark: —to receive—

Mr. President: Sen. Mark.

Sen. Mark: Yes?

Mr. President: You will have to shorten that question.

Sen. Mark: Okay. I understand, Sir, and I will. Is the Minister aware, Mr. President, of section 116(4) of our Republican Constitution that allows the Auditor General to provide to the hon. Minister of Finance her reports on an annual basis?

2.00 p.m.

Mr. President: Minister.

Hon. B. Manning: I would ask Sen. Mark if he is familiar with section 116?

Sen. Mark: No, no, no. He cannot ask that.

Mr. President: So, number one, you are not asking each other questions outside of my presence in this Chamber. These questions are asked and they are answered through me. A supplemental was asked, and I have called upon the Minister.

Hon. B. Manning: Yes, Mr. President. Sen. Mark continues to ask the Ministry of Finance to violate the Constitution of Trinidad and Tobago, and we simply will not do so.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark, second supplemental.

Sen. Mark: Yes. Is the Minister aware of the Exchequer and Audit Act of the

Republic of T&T that calls on the Minister of Finance to ensure that expenditure approved by this Parliament is carried out in accordance with the wishes of the Parliament, through that particular agency?

Mr. President: Minister.

Hon. B. Manning: Mr. President, again, the Ministry of Finance will not violate the Constitution of Trinidad and Tobago. Thank you.

Mr. President: Sen. Mark.

Sen. Mark: Can the hon. Minister indicate to this honourable Senate, in what way is the Minister of Finance violating and breaching the Constitution of our Republic, consistent with the questions that I have raised?

Mr. President: Minister.

Hon. B. Manning: Mr. President, let me repeat. The role of the Auditor General is clearly identified in section 116 of the Constitution of the Republic of Trinidad and Tobago. And the role of the Public Accounts Committee is clearly identified in section 119 of the Constitution. It should be noted that the Public Accounts Committee is chaired by an elected Member of the Opposition. Thank you.

Sen. Mark: [*Inaudible*]—with your leave, can I?

Auditor General's Report - THA (Breaches of Financial Regulations)

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

Given the findings under “Financial Regulations and Instructions” in the Report of the Auditor General on the Financial Statements of the Tobago House of Assembly for the year ended September 30, 2015, which noted that “*there were breaches of the Financial Regulations, Chap 69:01, the Financial Instructions 1965 and directives of the Ministry of Finance,*”, can the Minister provide the following:

- (i) the total number of said breaches which occurred; and

- (ii) the corresponding expenditure of each breach?

Hon. Senators: [*Desk thumping*]

Mr. President: Minister in the Ministry of Finance.

The Minister in the Ministry of Finance (Hon. Brian Manning): Thank you, Mr. President. Once again, I have to remind Sen. Mark of the Laws of Trinidad and Tobago. Mr. President, as Sen. Mark should be aware, Standing Order 24(1) of the Senate makes it clear that:

“Questions may”—only—“be put to a Minister relating to any subject or department under the Minister’s administrative responsibility.”

It should be clear to Sen. Mark, who is a very experienced Senator that the Tobago House of Assembly is not under the administrative responsibility of the Minister of Finance.

Further, Mr. President, the information being sought is available from the Auditor General through the Public Accounts Committee of the Parliament. The role of the Auditor General is clearly identified in section 116 of the Constitution of the Republic of Trinidad and Tobago. And the role of the Public Accounts Committee is clearly identified in section 119 of the Constitution. It should be noted, that the Public Accounts Committee is chaired by an elected Member of the Opposition. The Ministry of Finance has no constitutional role to play in the auditing of the THA’s financial statements, and should not get involved in the business of constitutionally independent entities. The Senator is advised to pursue the information requested through the Public Accounts Committee.

It is noteworthy that Sen. Mark has asked a series of comparable questions about the report of the Auditor General on the financial statements of the Tobago House of Assembly for the year ended September 30, 2015. However, it is important for the information of the public to reiterate the fact that:

“The Auditor General...”—is—“appointed by the President of the Republic of Trinidad and Tobago after consultation with the Prime Minister and the Leader of the Opposition...”

That provision is entrenched in section 116 of the Constitution of the Republic of Trinidad and Tobago.

Further, the Auditor General is required by law to examine and report annually to Parliament on the accounts of Ministries, departments, regional health authorities, regional corporations, and such state controlled enterprises and statutory boards for which the Auditor General is the statutory auditor, such as the Tobago House of Assembly. The portfolio also includes the audit of projects funded partly or wholly by international lending agencies, pensions, gratuities, and other separation benefits paid by the State in accordance with the Pensions Act and other agreements, and the grant of credit to the Exchequer Account, in accordance with the requirements of section 18 of the Exchequer and Audit Act, Chap. 69:01.

With respect to the Public Accounts Committee, apart from prescribing that: “The Chairman of the Public Accounts Committee shall be a member of the Opposition in the House...”

—section 119 of the Constitution states that:

“The Public Accounts Committee shall consider and report to the House of Representatives on—

- (a) appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago;
- (b) such other accounts as may be referred to the Committee by the House of Representatives or as are authorised or required to be considered by the committee under any other enactment; and

- (c) the report of the Auditor General on any such accounts.”

Further, Standing Order 72 of the House of Representatives states that:

“The Public Accounts Committee shall have the duty of examining...

- (c) the report of the Auditor General on any Such accounts.”

—and can certainly request from the Auditor General the information being sought by Sen. Mark. Indeed, that is role and function of the PAC.

Sen. Mark is therefore contrary to the Standing Order, seeking to embroil the Ministry of Finance in matters which are the purview of the Auditor General and the Public Accounts Committee.

Further, it should be obvious that it is only the Auditor General that would be privy to the information being sought, since the Ministry of Finance was not and could not, by law, be involved in the audit. Thank you, Mr. President.

Mr. President: Sen. Mark.

Sen. Mark: Yes. Can I ask the Minister through you, whether the Financial Regulations, Chap. 69:01 and the accompanying Financial Instructions of 1965 are under the supervision and management for implementation purposes of the Minister of Finance?

Mr. President: Minister.

Hon. B. Manning: Mr. President, I have clearly read out our position at the Ministry of Finance, and we will not violate the Constitution of Trinidad and Tobago, regardless of what Sen. Mark asks us to do.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: Can I ask the Minister how will the Minister of Finance be breaching the Constitution if and when he seeks to ensure Financial Regulations, Chap.

69:01, and accompanying Financial Instructions are not breached by the Tobago House of Assembly?

Mr. President: Minister.

Hon. B. Manning: Mr. President, I have answered that question on several occasions already.

Mr. President: Sen. Mark.

**THA and MILSHIRV Properties Limited
(Details of Lease Arrangement)**

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

In light of the Report of the Auditor General on the Financial Statements of the Tobago House of Assembly for the year ended September 30, 2016 and its reference to a lease arrangement between the Tobago House of Assembly and MILSHIRV Properties Limited, can the Minister provide a copy of said lease arrangement?

Mr. President: Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Finance (Hon. Brian Manning): Mr. President, as Sen. Mark should be aware, Standing Order 24(1) of the Senate makes it clear that:

“Questions may”—only—“be put to a Minister relating to any subject or department under the Minister’s administrative responsibility.”

It should be clear to Sen. Mark, who is a very experienced Senator, that the Tobago House of Assembly is not under the administrative responsibility of the Minister of Finance.

Further, the MILSHIRV Properties Limited matter is the subject of litigation in the courts of Trinidad and Tobago between *The Attorney General of Trinidad and Tobago v the Tobago House of Assembly*, namely CV 2013-00135 and civil

appeal No. P 169 of 2014. The decisions in this matter are publicly available on the website of the Judiciary of Trinidad and Tobago. It is recommended, therefore, that Sen. Mark access the information that he is seeking from the public records in this matter or alternatively through the Public Accounts Committee. Thank you, Mr. President.

Mr. President: Sen. Mark.

Sen. Mark: Can I ask, through you, to the Minister in the Ministry of Finance, when would he be making available a copy of the lease agreement involving the Tobago House of Assembly and MILSHIRV?

Mr. President: Minister.

Hon. B. Manning: Mr. President, that question was not asked or submitted to us. If it is submitted, I shall respond at that appropriate time.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, the question is contained in Question No. 42, and I am asking the Minister again, whether he can make available a copy of the lease agreement, which is contained in Question No. 42, between the Tobago House of Assembly and the MILSHIRV.

Mr. President: So, Sen. Mark, that question has been asked and it has been answered. You have another supplemental?

Sen. Mark: No, I will pause at this time, Sir.

Mr. President: Sen. Deonarine.

**Gateway to Trade Programme
(PSIP 2023 Allocation)**

88. Sen. Amrita Deonarine asked the hon. Minister of Trade and Industry:

Can the Minister advise why there is no allocation for the “Gateway to Trade Programme” in the Public Sector Investment Programme for fiscal year 2023?

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of Trade and Industry.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Mr. President. The GATEWAY to Trade programme is a nine-month export readiness incubator-training programme administered by the Trinidad and Tobago Coalition of Services Industries that provides customized training and support to small and medium-sized providers. The programme includes training in market and sector intelligence-gathering, export planning, export marketing, the development of market connections and commercial opportunities through services, trade missions and other sector development initiatives.

In fiscal year 2021/2022, the Ministry of Trade and Industry provided support to the TTCSI for the GATEWAY to Trade programme through the Public Sector Investment Programme in the amount of TT \$600,000. The support provided by the Ministry of Trade and Industry was in large part targeted to assist the TTCSI in securing the services of expert training consultants to execute the programme.

In addition, exporTT contributed TT\$ 1.5 million to the GATEWAY to Trade programme to cover the remaining cost of the consultancy, as well as, to among other things, host the TTCSI’s Service Roundtable 2022 event in September 2022, and facilitate a trade mission to the Guyana Basin Summit in October 2022, which was completed.

The GATEWAY to Trade programme also included a train the trainers

element intended to train Trinidad and Tobago nationals to become certified trainers to conduct future D2T training programmes without the need for consultants in the future. The train the trainers element concluded last year and was marked by a graduation ceremony on 14 September, 2022, for 15 certified trainers. And therefore, the need for the continued acquisition of expert training consultants was therefore eliminated.

It should be noted that the TTCSI did not request PSIP funding in fiscal year 2022/2023, and therefore no PSIP funding was allocated for the GATEWAY to Trade programme for this fiscal year. It should also be noted that for fiscal year 2022/2023, the Ministry of Finance allocated \$1.7 million for the TTCSI's recurrent expenditure, which represents an increase of \$1 million from the previous fiscal year for the recruitment of additional staff to support TTCSI's ability to execute projects.

The TTCSI has approached the Ministry of Trade and Industry for support to execute service trade missions for the completion of the GATEWAY to Trade cohort one, and this request is being considered in the context of the services trade missions currently being executed by exporTT, and thereafter the new trade and investment promotion agency once established.

The Ministry notes that the export and investment promotion services currently conducted by the TTCSI are to be transferred to the new agency upon its launch. Thank you.

2.15 p.m.

Mr. President: Sen. Deonarine.

Sen. Deonarine: Thank you, Mr. President. Thank you, Minister. I just want to refer to a statement that was made during the budget statement where the Minister indicated that in 2023—

Mr. President: So, Sen. Deonarine, as much as you may want to refer to a statement, this is a supplemental question. So, is it going to be—

Sen. Deonarine: No.

Mr. President: —phrased in a—right. So you cannot—

Sen. Deonarine: Yes, yes, it will be phrased—

Mr. President: It will be phrased as a question?

Sen. Deonarine: Correct.

Mr. President: Okay. So you would need to truncate that because it is a supplemental question which is not lengthy by nature. Continue.

Sen. Deonarine: I understand, Mr. President. The Minister of Trade and Industry indicated during her budget presentation that the GATEWAY to Trade programme in fiscal 2023 is expected to be rolled out to 80 additional firms in this fiscal year. So I am just trying to seek validation based on what the Minister of Trade and Industry just indicated to this honourable House, whether or not 80 firms will indeed benefit from this GATEWAY to Trade programme in this fiscal year.

Mr. President: Minister.

Sen. The Hon. P. Gopee-Scoon: As I said before, and in direct response to the particular question posed, that the TTCSI did not request funding for the—any further funding for the GATEWAY to Trade programme during this fiscal year and therefore, no funds were allocated for that particular purpose.

Mr. President: Sen. Deonarine.

Sen. Deonarine: Thank you, Mr. President. Mr. President, the GATEWAY to Trade programme, as the Minister clearly indicated, is meant to drive service—SMEs in service exports—involved in service exports and provide them with several training and capacity building. My question therefore is: Is the Ministry of Trade and Industry's intention—what is the Ministry of Trade and Industry's plan

to continue to incentivize SMEs that focus on service exports, given that the TTCSI would no longer be continuing with this GATEWAY to Trade programme?

Mr. President: Minister.

Sen. The Hon. P. Gopee-Scoon: Thank you. And as I said in my earlier response, that the export and investment promotion services, currently conducted by the TTCSI, will be transferred to the new agency upon its launch.

Mr. President: Sen. Deonarine.

Sen. The Hon. P. Gopeescoon: So the gap will be closed.

**Trinidad and Tobago Trade and Investment Promotion Agency
(Details of)**

93. Sen. Amrita Deonarine asked the hon. Minister of Trade and Industry:

Given the Minister's proposal in the Budget Statement 2023 to establish a single trade and investment promotion entity in early 2023, namely the Trinidad and Tobago Trade and Investment Promotion Agency (TTTIPA), can the Minister advise as to the following:

- (i) whether the TTTIPA has been established;
- (ii) if the answer to (i) is in the negative, when will the TTTIPA be established;
- (iii) what are the reason(s) for any delays in the establishment of the TTTIPA; and
- (iv) what steps, if any, are being taken to address said delays?

Mr. President: Minister of Trade and Industry.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Mr. President. To part (i): the Trinidad and Tobago Trade and Investment Promotion Agency Limited has not yet been established. And in support of the establishment of the agency, the Ministry of Trade and Industry has

engaged the services of a human resource and industrial relations consultant, as well as a change management and communications consultant.

Moreover, with the support of the Inter-American Development Bank, additional consultancies will be executed for human resource support, and the development of the institutional governance framework for the agency, digital tools and systems as well as a strategic plan for the agency. The change management and HR/IR consultancies commenced in January and March 2023, respectively. The IDB has also identified a preferred consultant who is to commence work in April 2023.

InvesTT, exporTT and CreativeTT are currently taking action to complete the amalgamation process, which involve sensitive legal and human resource and industrial relations issues that must be treated with the highest level of care and detail. And among the critical and sensitive areas that are being addressed, include valuation of the entities, treatment of shares and treatment of unionized employees. And upon completion of all the activities for amalgamation, the legal establishment of the agency will occur following the approval of the articles of amalgamation of the new entity by the Registrar General, and this is projected to occur before the end of this fiscal year.

To part (ii) of your question: it is anticipated that the Trinidad and Tobago Trade and Investment Promotion Agency Limited will be established before the end of fiscal 2023.

Part (iii): the three entities, invesTT, exporTT and CreativeTT, are currently taking action to complete the amalgamation process, which involve highly complex and sensitive legal, human resource and industrial relations issues that must be treated with the highest level of care and detail.

And to part (iv): there have been no significant delays reported regarding this project.

The Ministry of Trade and Industry, who is leading the processes, is proceeding with the establishment of the agency within the requirements prescribed in law and in keeping with good industrial relations practice. Thank you.

Mr. President: Sen. Deonarine.

Sen. Deonarine: Thank you, Mr. President. Mr. President, I would just like to ask the Minister, I think she did mention it, is there a timeline for the consultancy to— is expected to be completed?

Sen. The Hon. P. Gopee-Scoon: As I said, there are three consultancies associated with the project. Two of them already on board; one is to join on by the end of April, which is soon. I could not give you the exact date for each of them. I believe they are all six-month consultancies but do not hold me to that. But what I can confirm to you is that we hope to have this agency up and running by the end of this fiscal year. But the process—we have to take into account the processes involved in amalgamating three entities, which are different in scale and complexities.

Mr. President: Sen. Deonarine.

Sen. Deonarine: Thank you, Mr. President. Thank you, Minister. Should we expect a strategic plan before the end of this fiscal year?

Sen. The Hon. P. Gopee-Scoon: That is part of the remit of one of the consultants.

Sen. Deonarine: Okay. And with respect to any legislative requirements, should we be expecting any legislative requirements coming out of this amalgamation of the governance structure of the trade and investment promotion agency?

Sen. The Hon. P. Gopee-Scoon: No, that is not expected. Thank you.

Mr. President: Leader of Government Business.

JOINT SELECT COMMITTEE

(Extension of Time)

Representation of the People (Amdt.) (No. 2) Bill, 2020

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

Brown): Mr. President, having regard to the Interim Report of the Joint Select Committee, appointed to consider and report on the Representation of the People (Amdt.) (No. 2) Bill, 2020, Third Session, 2022/2023, Twelfth Parliament, I beg to move that the Committee be granted an extension to August 31, 2023 to complete its work and submit a final report.

Question put and agreed to.

PARLIAMENTARY AUTONOMY

(GOVERNMENT'S COMMITMENT TO HONOUR)

[Second Day]

Order read for resuming adjourned debate on question [March 28, 2023]:

Be it resolved that the Senate call on the Government to reaffirm its commitment to introduce a legislative framework on Parliamentary Autonomy;

And be it further resolved that the Senate call on the Government to introduce in Parliament, within (3) months, a Bill on Parliamentary Autonomy and have same referred to a Joint Select Committee of Parliament for consideration and report.

Question again proposed.

Mr. President: The list of those who spoke on the last occasion was Sen. Mark, who was the mover of the Motion, and Sen. The Hon. Reginald Armour SC, Attorney General and Minister of Legal Affairs. Hon. Senators, on the last

occasion, Tuesday, March 28, 2023, as I indicated, there were two speakers. The last speaker was the Attorney General who spoke for 12 minutes and now has 28 minutes remaining. Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. President. And before I formally continue with my remarks, allow me to apologize to you, Mr. President. In that moment of exuberant acclamation of my colleague, Sen. Gopee-Scoon, as she came to the podium, I applauded as opposed to doing the more dignified thing, and I meant no disrespect. It has to do with the respect I have for my colleague.

Mr. President, thank you very much for this opportunity to return to this conversation on this Motion referable to the important question of parliamentary autonomy. When I was last before this House, I outlined a sketch of the conversation which has been engaging us as far back as 1997 and taking us through to the present. We might wish to suggest to ourselves, but I would dissuade any traction in that suggestion, that the time that we are taking to engage this, a very important subject, is over long. Some might say too long. That is not the case, Mr. President, because this is a subject which is not only important, but it is a subject which, in its very nature, has an evolution, which must be allowed to take its natural course. And I will dwell on that as I proceed. It is important, as we continue this conversation, Mr. President, that we recognize some of the pivotal signposts along a very progressive, evolutionary road which this country, the Republic of Trinidad and Tobago, has embarked and continues to travel as we forge our independence and institutional strengths along the way.

Central to that journey, Mr. President, is the subject which I referred to when I rose last, the Latimer House Principles. In my continued reflection on that

subject of parliamentary autonomy, I was struck by the seminal pedigree which we in the Caribbean bring to this discussion on parliamentary autonomy. Today, I do not intend to spend an undue time on the conversation, because it is a conversation, which I have said, requires careful, thoughtful reflection, and a continued conversation and appreciation of our deliberate evolution towards true independence of all of our institutions within the meaning of the Latimer House principles which we have embraced.

Without diverting, Mr. President, may I take this opportunity to say once more, unapologetically, as we speak on the subject of our important institutions, as we discuss the concept of parliamentary autonomy, that is to say the Latimer House Principles, we recognize that those principles underscore and remind us of the separation of powers, Parliament, the Judiciary and the Executive. So that part of that conversation will necessarily have to include, not today but hopefully soon, Trinidad and Tobago's embrace of the Caribbean Court of Justice as our apex court.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: The synonyms of autonomy are freedom, self-determination, self-government, self-rule, sovereignty and liberty. I say with respect, Mr. President, that we may not engage this question of parliamentary autonomy within the context of the Latimer House Principles of the separation of powers, without seriously holding Sen. Mark and his Opposition colleagues to get serious and support this Government on the legislation to make the Caribbean Court of Justice our final court of appeal.

Hon. Senators: [*Desk thumping*]

2.30 p.m.

Mr. President, defining point number one, 2002. Only last week, the Prime

Ministers and other government Ministers of CARICOM met here in Port of Spain, critically to examine our regional, institutional and governance structures to address crime and violence as an existential public health threat to our very societies. It is equally significant that in 2002, the Law Ministers of the Commonwealth also met in this, our Caribbean, in St. Vincent and the Grenadines, to refine and to further define the Latimer House Principles.

The Commonwealth Secretary-General, Mr. Kamalesh Sharma, in his July 2008 foreword to the Latimer House Principles, Commonwealth Secretariat, London publications, acknowledges and reminds us of that fact. He reminds us that the:

“These Latimer House Principles are designed to help the business of fair, efficient, transparent, responsive government - government for the people. The confidence, belief and trust that people have in their government is the ultimate litmus test.”

And may I go on record to say that the performance of this Parliament, as one of the organs of our constitutional democracy, holds very true to that invoking declaratory call of the Latimer House Principles.

Defining point number two, 2014, Mr. President. We must acknowledge that the work of this House, this Parliament, and the building of its institutional strength is a process, and that part of that process necessarily involves building on the autonomy and the efficacy of our Parliament consistent with the Latimer House Principles.

Members of this House have done good work. There has been introduced the Draft Houses of Parliament Service Autonomy Bill, 2014, including in its examination by a joint select committee of Parliament. That is part of this Parliament's record, and it is part of the deliberate, careful and thoughtful process

by which we must continue to engage the subject of parliamentary autonomy within the framework of our Constitution.

Mr. President, defining point number three, 2019. In my reflection, my continued reflection on this subject, I have examined a very interesting, very important document entitled, *Bringing Accountability to Public Services for the Citizens of Trinidad and Tobago: Final Evaluation of the First Strategic Plan of the Parliament of Trinidad and Tobago*, dated December 2019. That document is introduced, Mr. President, by this quotation and I quote, with your leave:

The Parliament of Trinidad and Tobago ought to be given more credit than it is for its many contributions to the Republic's political life and reform efforts. The Parliament is making significant contributions to political representation and Executive accountability.

Quotation from Mr. Maukesh Basdeo, and I hope I pronounced his name correctly.

On the subject of building parliamentary autonomy, the authors of that document provide their evaluation comment to the effect that perhaps a legislative proposal may be brought to the Parliament of Trinidad and Tobago, to build on certain basic organizational aspects and the functioning—the continued functioning of Parliament as part of the evolution of parliamentary autonomy. This is worthy of examination. They state their confidence that:

This Parliament can—and I quote, with your leave—shoulder such further responsibilities in an accountable and transparent manner.

So here we are in April 2023, along with the pivotal evolution of our Parliament, as we have moved from independence, through some of the important and pivotal developmental stages which I have identified. Mr. President, through it all, we recognize that the Parliament of the Republic of Trinidad and Tobago, as an institution, is functioning at a significantly improved level over the years and

compares very favourably with other Parliaments. Standing Orders have been reviewed, the committee system has been strengthened and is well deployed, IT systems and processes are far advanced. Parliament is alive, vibrant and well connected to the population.

It hosts art from members of the public on a very regular basis. It provides tours to school children. I have had the privilege of sitting here witnessing those young men and women of this Republic sitting in the public gallery, learning from the example that this Parliament sets as we get about the business of the nation.

The physical structure of the Red House has been proudly repaired beyond expectation to house this important institution—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC:—and its maintenance is continuously, expeditiously addressed and conducted. Trinidad and Tobago has accomplished much towards the fully functional Parliament, in keeping with the strategic plan and final evaluation of that 2019 document. There is, indeed, a checklist in that document on which Trinidad and Tobago's Parliament scores very high. Building parliamentary autonomy, Mr. President, as I said, at the beginning, is a work in progress.

At this stage, Mr. President, the Government has not prioritized additional steps, such as full-time Members of Parliament or the tabling of an autonomy Bill, since there is work to be done, and the work is ongoing. We are also giving other legislative priorities to other legislative endeavours. Only this past week, I have spoken to the current legislative agenda which is being given attention by the Government. There is, among others, the Miscellaneous Provisions (Trial by Judge Alone) Bill; the Administration of Justice (Indictable Proceedings) (Amdt.) Bill, which will shortly be coming to Parliament; and the arbitration Bill, which is

a work in progress and will shortly also be brought to this Parliament.

We acknowledge that this is a work—there is lots of work to be done on the legislative agenda, and whilst we do not shirk from our responsibilities to progress the development of parliamentary autonomy by further legislative endeavour, we must be careful to look fully and in depth at the examples that abound around the Caribbean and the research that has been done on the subject, and engage and continue to engage with our parliamentarians, with the Clerk of our House, both Houses, and to engage them in meaningful conversation with other stakeholders, as we progress the concept of parliamentary autonomy.

In due course, as and when that becomes a legislative part of our agenda, we will, of course, in the normal course of the Legislative Review Committee, reach out to stakeholders and engage the input of the citizens of this country towards refining and defining—that is the language of the Latimer House Principles when, in 2002, they were further refined and defined in St. Vincent and the Grenadines. We will engage our citizenry in further discussions as we refine, and further define, parliamentary autonomy in the interest of all of the citizens of this nation.

We have, in the meantime—and we are proudly able to accept the progress that we have made. In my opening remarks, when I spoke last, I acknowledged the comments and the work of the late hon. Sen. Franklin Khan when, in 2004, he spoke to the autonomy Bill, which was then being tabled before the Parliament.

We are ever conscious of the fact, Mr. President, that the Parliament of this country is, if not the single, one of the most important institutions in this country. As a practising attorney, I have had the remarkable experience of having read and contributed to case law, which has drawn on and paid respect to the functional autonomy of this Parliament in maintaining an appropriate separation of powers; the pre-eminent quality of work which this Parliament gives in bringing legislation,

through all of its stages, committee stages, which stand the test of criticism and have stood the test of time.

This Government is committed to building on parliamentary autonomy. But I ask, in all seriousness, that we do not allow the agenda on that very important engagement to be driven in haste or otherwise than to serve the true interest of the strengthening of this Parliament. I say, with the greatest of respect, that three months, which Sen. Mark asks for, is to trivialize the importance of the work on which we are engaged. Thank you very much, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Vieira.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira: Thank you, Mr. President. In supporting Sen. Mark's Motion, calling for legislation to guarantee parliamentary autonomy, let me state up front, that nothing said in this contribution should be deemed or implied, as in any way suggesting, that our Parliament is failing or not doing its job. Indeed, and as I will show later, when one evaluates this Parliament, using the Inter-Parliamentary Union's Self-Assessment Toolkit for parliamentarians, it is clear that notwithstanding our small size, or limited numbers and resources, this Parliament punches way above its weight. In fact, I would characterize this Parliament as an exceptional institution—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira:—one of which everyone in this country can and should be justifiably proud. I support this Motion from the point of view of wanting to preserve, wanting to fortify the degree of independence we have from the influence and control of the other branches of Government, in particular, the Executive. But this is a nuanced issue, by no means as simple and straightforward as just passing

legislation. One must be mindful that we are dealing with a system of governance, one where there are many moving parts which are interconnected, interrelated and interdependent. There are also important traditions, conventions and cultural aspects of which we should be mindful.

So, in treating with this Motion, I will be taking the following approach. First, providing a little background on the Motion. Secondly, making some general observations on the nature, meaning and scope of parliamentary autonomy. And, thirdly, sharing my sense of where we are, at present, and the areas in need of shoring up.

Before moving forward, however, and as a matter of housekeeping, I would just like to correct a misconception on Sen. Mark's part, where he suggests that I can use my personal staff to help me when researching topics and preparing for debate. Mr. President, how I wish that was so. Regrettably, my hard-working staff comprises only of me, myself and I. Like my fellow Independents, what we bring to debates comes from our own research, expertise and hard work.

Occasionally, I get help from the parliamentary library staff, in particular Ms. Lorraine Berahzer, when I am looking for excerpts from *Hansard* and newspaper clippings, for which I am always grateful. As a self-employed lawyer, with one foot in the retirement door, I do not even have a full-time secretary. My wife does the needful as and when required. But I take the point. I take the point. It would be great if Independent and Opposition Senators had access to dedicated research assistants, technical and other support, when ploughing through Bills and preparing for debate. That would only enhance the quality of contributions. I move on.

2.45 p.m.

By way of background to this Motion, let me start by saying I agree with

Sen. Mark that a stronger Parliament means a richer democracy and I laud his efforts over the years in pushing for parliamentary autonomy, including his Motion on the 28th of June, 2016, calling for a legislative formula for parliamentary autonomy and the establishment of a joint select committee to consider and report on the matter; his Motion on 06 March, 2018, calling on the Government to introduce legislation to give effect to parliamentary autonomy and for such legislation to be referred to a joint select committee for consideration and report; follow-up questions on the 27th of March, 2018; and his matter on the adjournment on 12 February, 2019, which raised the issue yet again. As far as I can tell, this is Sen. Mark's third Motion calling for parliamentary autonomy. That is the background to this. Clearly, one cannot doubt Sen. Mark's sincerity and tenacity on this very important topic.

Turning now to the nature, meaning and scope of the term "parliamentary autonomy". Well, parliamentary autonomy is a key feature of democratic systems. It enables the Parliament to perform its functions effectively, such as by passing laws, representing the interest of citizens and scrutinizing the actions of Government. Now, the nature of parliamentary autonomy can vary. It can vary depending on the specific constitutional arrangements and political culture of a country. And when one looks at the different jurisdictions, one finds a continuum, at one end where the Parliament is relatively independent with significant powers of oversight and decision-making, and at the other end where parliamentary autonomy is more limited with the Government or Executive exercising greater control over the Legislature.

Mr. President, I believe our Parliament leans more towards the first aspect in that it is relatively independent with significant powers of oversight and decision-making, but that is not to say that there is not room for improvement.

One of the hot buttons falling for consideration as we ponder this issue of autonomy, relates to the separation of powers concept which started crystalizing in the 18th Century and remains the lens through which we tend to delineate the main areas of constitutional territory, specifically the Executive, the Legislature, the Judiciary. Now, that is all well and good from an academic point of view. However, in practice, at least between the Executive and the Legislature, the lines are not so clear cut.

In fact, in this country, as in many other Commonwealth countries, insofar as the relationship between the Executive and the Legislature branches are concerned, the lines are blurred. The lines are blurred in that Members of the political Executive are also Members of both Houses of Parliament. As one legal scholar commenting on the practice put it:

A fusion rather than a separation of powers.

The point being that there is something of a disconnect between 18th Century theory and what obtains today in practice, not just here but in many other countries, where the tendency for legislative bodies and legislative agendas is controlled to varying degree by Executive Government.

So while the current constitutional arrangements have not resulted in disaster thus far, I agree, we should not be blind to the possibility that it may be a problem in waiting, nor should we be blind to other weaknesses in the system, such as the Parliament's reliance on the Executive for funding and resources with the associated vulnerabilities in that regard; the ritualistic nature of question time; and the difficulties sometimes faced by committees in getting Government to act on reports and take recommendations seriously.

The reality of the situation is that in this country, Parliament is essentially an arena for passing laws and that arena is dominated by the Executive. Most

decisions happen inside the Cabinet and the Government departments, with Parliament having little chance of influence them while they are still at a malleable stage. If I were to distill the two critical questions coming out of this Motion, they are: whether these longstanding constitutional arrangements so negatively impact Parliament's ability to perform its functions that they need to be jettisoned or changed as a matter of urgency; and whether the influence and control of the Executive is so strong as to undermine parliamentary independence. Based on my experience, I would say that to a large degree, neither case applies, but that is not to say it could not happen. Right?

When I evaluate this Parliament, using the Inter-Parliamentary Union's toolkit, it seems to me that this branch of the State is essentially democratic and well-functioning, in that it is representative, transparent, accessible, accountable and effective. As far as I can tell, we measure well against each of the prescribed criteria. I accept however, that there is always room to make our Parliament more open, accountable and responsive. I accept that democracy is a work in progress and always in need of continuous strengthening. I accept that it would be beneficial to evaluate weaknesses and strengths in parliamentary performance and address areas of concern, including, in my respectful view, for example, when summoning witnesses who are not employed by government or state agencies, and when treating with the issue of contempt of Parliament and the need for a code of conduct for Members.

Now, unlike some Members on the Opposition Bench who seem to think that independence means having to operate in hermetically sealed silos, I prefer to look at our key branches and institutions through the lens of a system. Now, Mr. President, as a biologist, you would know and recognize that a system is an interconnected set of elements which is coherently organized in a way to achieve

something, as opposed to just being a mere collection of things. By way of analogy, the human body is a system. It is a system which comprises several organs, each of which has independent functions and responsibilities. Good health requires all organs in the system to work together as an interconnected, interrelated and interdependent whole. Similarly, our constitutional system depends on the relationship between the key branches to work. The parts themselves need to be in good working order, but alone, they are powerless to achieve a greater whole or purpose.

So in the event, our key branches and the institutions of state, in particular the Executive and the Legislature, do not just depend on the law to work, they also require mutual respect and comity for the system to function properly. Our constitutional system is based on a culture of the rule of law where the relationship between Executive, Legislature and the courts depends upon reciprocity, trust and cooperation. So in treating with this Motion and any legislation having to do with parliamentary autonomy, we must be alive to the possibility and we have to guard against doing anything that could negatively impact mutual respect and comity. It is not just important to preserve, we should actively be seeking to deepen and improve reciprocity, trust and cooperation in and amongst the three branches, essential elements in a well-functioning system.

It has always been, and it remains the case, that if an Executive really wanted to undermine parliamentary independence, Cabinet has all the available tools to do so, among other things, by under-resourcing or by restructuring various branches. So Sen. Mark's concerns are not without merit, but that is not to say there are not checks and balances in place. Where, for example, the Executive seeks to bring unconstitutional legislation, Bills that would abrogate, or abridge, or infringe any of the protected rights and freedoms, the Executive still has to secure

the required majorities under section 54 of the Constitution, which in turn requires support from both the Opposition and Independent Benches.

History has shown that whenever the Executive seems bent on bringing unconstitutional legislation, voices arise in dissent across the length and breadth of Trinidad and Tobago, ranging from cautions emanating from the parliamentary draftsman's office and the Law Association, to outright condemnation from members of civil society, all advising against the pursuit of such legislation. And in the event, such legislation still manages to pass in both Houses. Our courts have repeatedly shown that they have no hesitancy in striking down any law made by Parliament which is in contravention of the Constitution or which is not reasonably justifiable in a society that has proper respect for the rights and freedoms of the individual.

Mr. President, our Constitution is a written guarantee. Sections 13 and 14 make clear that under our system of Government, it is the Constitution that is supreme, not Parliament, or by extension, the Executive. Any law made by Parliament, especially where unduly influenced by an overly strong Executive, it can and will be struck down for contravention of the Constitution. So the point I am making is that even though we do not have legislation on parliamentary autonomy, we have a rule of law culture and we have pragmatic constitutional arrangements which make for an effective, cooperative working relationship between the Executive, the Legislature and the courts.

3.00 p.m.

Parliamentary autonomy is also influenced by a range of factors, such as the electoral system; the level of discipline between the political parties; the role of communities, whether business, religious, cultural; and the strength of civil society and the Fourth Estate.

So accordingly, while, as a matter of principle, I support the call for a parliamentary autonomy Act, I want to caution, I want to caution against clumsy legislation or inadvertently doing anything which might torpedo or impede the longstanding, pragmatic, constitutional arrangements which have served us relatively well thus far.

I do not want to belabour the point, but hon. Senators may recall the number of errors and omissions we picked up in the Tobago House of Assembly Act, when debating recent amendments not so long ago. I would not like to see a repeat in the passing of rushed legislation having to do with parliamentary autonomy. So any proposed legislation, in this regard, needs to be carefully and openly scrutinized by a joint select committee, with the views and concerns of all relevant and interested stakeholders taken into account.

Further, and in any event—that is a phrase we lawyers love to use, further, and in any event—it needs to be emphasized that written law is not everything. Without a supporting culture, which values the rule of law and the ideals enshrined in our Constitution, that legislation Sen. Mark is pressing for may amount to little and may even prove counterproductive. Tradition and culture matters. However, I do accept that things can change. And if we can guard against the possibility of some future Executive going rogue against the Legislature, then the responsible thing to do is to put appropriate measures in place now as best we can.

There is no gainsaying the claim that parliamentary autonomy is essential. It is essential for ensuring that democracy is functioning effectively, and that the values and interests of our citizens must always be respected and protected. So I support Sen. Mark's Motion to the extent that he is calling for a robust and independent Parliament, which can effectively perform its functions without any interference or undue influence from external factors.

We do not want an institution, which is responsible for shaping our laws and having oversight of the Government, not being able to hold its own shape.

Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Lyder.

Hon. Senators: [*Desk thumping*]

Sen. Damian Lyder: Thank you, Mr. President. I rise today to contribute to the Motion ably brought by my colleague, Sen. Wade Mark, on the issue of parliamentary autonomy. Mr. President, the Parliament's capacity to operate independently of the Executive branch of the Government is referred, in essence, to parliamentary autonomy. This means that it is without undue interference from the Government.

Parliament should have the authority to decide and take their own levels of action. The oxygen in any democracy is the strength of a Parliament. Without a strong, independent and powerful Parliament, democracy will die a death in any nation. So parliamentary autonomy should be looked at as a process and not as a destination. We have all said that today in our own words, on all sides of the Benches. But it was a United National Congress-led Government who made advances along this continuum between 2010 and '15 that brought about or advanced parliamentary autonomy. And it is for this PNM Government to step up to the plate and honour the resolution that was made in this Senate back in 2018. Some of my colleagues were there back at that time.

It is important that I remind Members present that from the recital of this Motion we note that it is since April 24, 2018, this Senate unanimously approved a resolution calling for the Government, and I quote:

“...to introduce legislation on parliamentary autonomy during the Fourth

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

Pursuant to this resolution in the House, the then Attorney General at the time—I do not know where he is now—on February 12, 2019, committed to make his best efforts to have legislation on parliamentary autonomy introduced on the Fourth Session of the Eleventh Parliament. That is what the Attorney General indicated then. So we are now at the end of the Third Session of the Twelfth Parliament and sadly, to date, this Government has not presented this Parliament with the legislative framework on parliamentary autonomy.

Mr. President, I listened to the hon. Attorney General, in my opinion, with his ramblings about the Latimer House Principle, and we have to refine and define, and it is a process, and it takes time, and so forth. But the facts are, we are now five years later, from 2018 when this Motion was brought into the Senate and agreed upon by all sides of the House. Mr. President, five years later, and it is instructive to note that it was just yesterday, on the 24th of April, that marked the fifth anniversary of this resolution. So it is five years. Yesterday was the anniversary. And four years have passed since the then Attorney General had made this commitment. So it is reasonable, therefore, to agree with this three-month time frame, unless the Government is prepared to accept that they have not done the work necessary to bring it some five years later. So I support Sen. Mark’s Motion, and the:

“...call...”—for—“the Government to introduce to the Parliament, within three...months a Bill on Parliamentary Autonomy and have same referred to a Joint Select Committee of Parliament for consideration and report.”

The Attorney General stood up here, I listened to him, and he said we must

not be driven by haste, and by asking for three months, we are trivializing something that is important. But it is my opinion that this Government is trivializing something that is important by failing to bring this five years later, Mr. President. That is what you call trivialization.

So let the Government admit and tell us when you are going to bring it to the Parliament. That is, of course, if we have parliamentary sittings. I could count on two hands for this year the amount of sittings we have had to debate in this House at the beginning of 2023. So let us see what happens, but I move on.

Mr. President, parliamentary autonomy is crucial to the operation of our democracy and it is essential to democratic governance, and we must fight to protect this at all costs. We in the United National Congress will fight for parliamentary autonomy at all costs, as we fight for democracy.

Mr. President, parliamentary autonomy is not a concept that is brand new. Its origins can be traced back to the early days of parliamentary democracy, when the Legislative arm of the Government first emerged as a check on the authority of the monarchs. The idea of parliamentary autonomy has solidified its position as a tenet of democratic governance over time, as our understanding of democracy has grown throughout the world. It is the cornerstone of our system of government and it is enshrined within our Constitution. But alas, parliamentary autonomy seems to be placed on the back burner by this Government.

Mr. President, you know, I do not want to single them out alone because we are seeing this occurring in many parts of the world today. We see the occurrence of governments the world over attempting to obstruct the functioning of the Legislature, by using their influence over the Executive branch as a tool, and this is an alarming factor. We are seeing it happen in different parts of the world. One such way we see them attempting to do this is by issuing executive orders to

completely circumvent the legislative process.

Mr. President, both the independence of the legislative branch and the fundamental tenets of democracy, democratic governance, are undercut any time we see this type of activity happening. Holding the Government responsible for its action is one of the Legislature's most critical duties. This is accomplished through the oversight role which gives Members of Parliament the authority to examine the Government spending, to examine programmes, to examine the policies, and the ways in which they are accomplishing their mandate.

However, for this role to be properly and effectively performed, the Legislature must have the freedom to act without any level of interference from the Executive arm of the State. Because you see, Mr. President, hon. Members may be reluctant to pose challenging questions, if they are not facilitated, when they pose them to the Government. In our case, we have seen many times Members of the Executive, in my opinion, flippantly—giving flippant responses in question time.

I do not want to use the word “flippant” on this one, but we saw that today. How many times I have sat here and listened to responses coming from the Government that have fallen mute. And I want to tell the Government, when you do not properly answer critical questions—

Mr. President: So, Sen. Lyder, I want to caution you at this point, that the line that you are going down is bordering on irrelevance, simply because we are discussing a Motion as it relates to parliamentary autonomy. So I will ask you to just rein it in a bit, in terms of the contribution that you are making.

Sen. D. Lyder: Thank you, Mr. President. Making legislation is a crucial task for the Legislature and this is accomplished through the parliamentary process in which MPs introduce, discuss and vote on Bills. Concerns have been expressed recently—and this is the reason for the importance of the Independents. We had an

example of where we saw the insertion of a “Minister, by Order” in several of the legislation. This has been one way of getting the Executive’s agenda fulfilled without the needed parliamentary oversight, in the implementation of the aspects of new legislation.

We recently had an example here in the Senate where we literally had to strong-arm a Minister from inserting himself in a Bill for approving firearms.

Mr. President: So, again, the argument—

Hon. Senators: [*Inaudible*]

Mr. President: One second, Members. The argument that you are making, as much as you are trying to put your points across as it relates to parliamentary autonomy, is bordering now on an imputation of improper motives. So I would ask you to be extremely careful in your contribution, and the types of argument that you are trying to bring across.

3.15 p.m.

Sen. D. Lyder: Thank you, Mr. President. Mr. President, I will move onto looking towards how can Trinidad and Tobago really improve in parliamentary autonomy. You see, Mr. President, this is the question before us today: How do we prevent from any government—not imputing any improper motives—how do we prevent undue interference from the Executive branch of any government? There are many approaches, Mr. President, to enhance parliamentary autonomy in Trinidad and Tobago. I will cite a few of them.

Firstly, Mr. President, increasing the importance of parliamentary committees. Committees of the Legislature are crucial for analyzing Government policies and holding the Executive branch accountable. However, Mr. President, in Trinidad and Tobago, the lack of funding and support for these committees frequently limits the influence that these committees have. I think I heard Sen.

Vieira speak about recommendations coming from committees and not being sure if the Government follows these recommendations. But strengthening the function of parliamentary committees by giving them the necessary resources and assistance is crucial for enhancing parliamentary autonomy.

Another point, Mr. President, is increasing accountability and transparency. These two factors are crucial to parliamentary autonomy. Mr. President, concerns regarding the lack of accountability and openness in the Government's decision-making procedures have been raised, not just in here, but outside in Trinidad and Tobago. But making sure that the Government's decisions are made openly and transparently, and that the Parliament has access to all the pertinent information is crucial to increase the transparency and accountability in order to increase legislative autonomy.

Mr. President, and it is important to note that the changes made to the Joint Select Committees and Standing Orders of the Parliament by the then UNC-led Government are in line with exactly what I am saying here. However, Mr. President, with the passage of time, we need to continually improve on this. We all agreed on that. And as I stated at the beginning, parliamentary autonomy is not a destination. Rather, it is a process of continuous adaptation to the needs of the people as we change and as our society changes.

Mr. President, another aspect is strengthening the position of any Speaker of the House or any President of the House—of the Senate under any administration. The Presiding Officer's role is crucial in ensuring that parliamentary rules are upheld and that MPs' rights are safeguarded, ensuring the voices of the people are heard. The House Speaker and the Senate President's position must be examined to see where it can possibly be strengthened. Not that it is not already strong, Mr. President, but we must continue to see where we can make this stronger. And by

strengthening it, we mean to further separate from the Executive, where necessary, in order to increase this parliamentary autonomy. And this may be done by making sure that they have the tools—more tools and assistance to do their job well.

Mr. President, another aspect could be providing Parliament with necessary resources. In Trinidad and Tobago, concerns have been raised concerning the lack of resources, insufficient staffing, financing and infrastructure. Mr. President, one only has to walk around the Parliament now and you have to be dodging rain, dodging drops on your head. If I am not mistaken, right now, still to this point, still to this point, we have the lower House—the other place, sorry, meeting in this Parliament, because this Parliament is still waiting for resources to be handed from the Executive arm of the State to be able to function properly and efficiently. So, Mr. President, it is critical to give the Parliament the tools it needs to perform properly in order to improve and increase parliamentary autonomy.

Mr. President, promoting more MP involvement and increasing the importance of the Opposition and the Opposition parties in Parliament. Mr. President, these groups are crucial for bringing the administration to account and offering different viewpoints on critical policy matters. The role of the Opposition party must be strengthened in order to increase parliamentary autonomy. I must remind the Senate that it was a UNC-led Government that worked with the parliamentary staff to ensure the Opposition and Independent Members of Parliament were able to hold prominent positions on parliamentary committees. I must remind the Government of that. And this pride of place of the now Opposition ensures that proper scrutiny takes place in the interest of the people of Trinidad and Tobago.

Mr. President, another example is the introduction of the Prime Minister's

Questions that happened under a UNC-led Government. The UNC is who did this, obviously not to the delight of the current Prime Minister, as I see he has some pressure in the other place. But, Mr. President, let me put the Government on notice. Do not be alarmed. Do not be alarmed by the pressure the Prime Minister has in the other place. Because if the Prime Minister follows the advice he has given to the THA and calls a fresh elections now, the people in this country will ensure—

Sen. Dr. Browne: On a point of order.

Sen. D. Lyder:—that he is put on the opposing side—

Sen. Dr. Browne: Mr. President, Standing Order—

Sen. D. Lyder:—and then he can ask the questions—

Sen. Dr. Browne: 46(1). Standing Order 46(1).

Mr. President: Standing Order 46(1) upheld. Please get back to the Motion that is in front of us in relation to parliamentary autonomy.

Sen. D. Lyder: Mr. President, the introduction of Prime Minister's Questions is part of that. I was just closing off the point, Mr. President, but I take your advice and I shall move on.

So, Mr. President, strengthening the role of the Clerk of the House. The Clerk of the House is crucial in making sure that parliamentary rules are upheld and that the business is carried out effectively. The function of the Clerk must be strengthened in order to increase parliamentary autonomy. And this may be done by making sure that they have the tools and the assistance needed to do their jobs well. So we ask all of this to be considered. So in essence, Mr. President, parliamentary autonomy is an important component in any democratic system.

Mr. President, when doing my research on this Motion, on most Bills and Motions I sometimes seek some examples from other jurisdictions. So, of course, I

looked towards the United Kingdom, which is basically the birthplace of our parliamentary system, to see what the United Kingdom has done in terms of parliamentary autonomy. And I want to bring for an example something called the Office for Budget Responsibility, UK. And, Mr. President, if you allow me, I am going to read some parts and I will discuss some other parts without reading, but there will be a few parts I will read if you give me the latitude.

So a main aspect, Mr. President, of the Parliament is the approval of the annual fiscal appropriation, which is basically the presentation of the budget. Yeah? And parliamentary autonomy ought to include improvements in the autonomy of the Parliament in the process to ensure accountability and probity in public spending. So an innovation on our Parliament would be the creation of an office for budget responsibility, taking a pattern from what is held within the United Kingdom today. So the Office for Budget Responsibility, or the OBR:

“...was created in 2010 to provide independent and authoritative analysis of the UK’s public finances. It is one of a growing number of official independent fiscal watchdogs around the world...”—right now.

So the OBR was established by the Government:

“...to provide independent and authoritative analysis on the UK’s public finances.”

That was established. And the main roles of that was basically to produce economic and fiscal forecasts, to evaluate government fiscal policy, and to provide analysis and advice to the Parliament. So it is not just the Opposition or the Independent Bench speaking, but the Parliament is also providing some level of advice.

And so, the establishment of this OBR has been widely regarded as a significant step towards strengthening parliamentary autonomy in the United

Kingdom. And prior to its establishment, Mr. President—and I am going to draw why there is a similarity with Trinidad and Tobago. But it was the UK Treasury that was responsible for producing economic forecasts which created a sense of a conflict of interest as the Treasury was also responsible for setting fiscal policy.

So this gave rise to the concern that the Treasury's forecasts could be bias in favour of the Government's fiscal policy. Same can be said in Trinidad where we see the Minister of Finance, headed by a senior member of the Executive, is responsible for presenting such in Parliament as well. So the creation of the OBR has addressed this conflict of interest by establishing an independent body that is responsible for producing economic and fiscal forecasts. So this has increased, to a great level, the transparency and accountability of the Government's fiscal policies, and it has given MPs and the public and the nation, the taxpayers of this country, this sort of needed openness for independent and objective analysis on the UK's public finances.

The OBR is responsible for producing fiscal sustainability reports which evaluate the long-term sustainability of the UK's public finances. And these reports provide an important tool for MPs to evaluate the Government's policy and to hold the Government accountable for its long-term fiscal plans.

So, Mr. President, this has really strengthened parliamentary scrutiny of the Government's fiscal policies and has really contributed to a greater sense of parliamentary autonomy in the United Kingdom. And in addition to its role in producing economic and fiscal forecasts, the OBR also provides analysis and advice to Parliament on a range of fiscal issues. So this includes providing analysis on the impact of government policies on public finance, evaluating the effectiveness of government spending programmes, and providing advice on the design of fiscal rules.

The OBR's analysis and advice has helped to inform parliamentary debates, and has contributed to greater scrutiny and accountability for government's fiscal policies. So, Mr. President, in summary, this has helped to strengthen parliamentary autonomy by ensuring that MPs have access to independent and objective analysis of government policies. So we do not get into this, you did this and I did that.

So, Mr. President, ultimately, the establishment of the OBR has been a significant step towards strengthening parliamentary autonomy as it does so by providing an independent and objective analysis of UK's public finances. The OBR has increased transparency and accountability of government's fiscal policy. It has helped to inform parliamentary debates and scrutiny of government policies. It has helped to ensure MPs have access to independent and objective analysis of government policies, and ultimately, it has created greater parliamentary autonomy.

So how can Trinidad and Tobago learn from the Office for Budget Responsibilities? Well, the first thing I could say, Mr. President, when we talk about the independent analysis and projections of the budget, the OBR, an independent organization that provides this analysis and projections on the UK's public finances, should be established as the independent budget oversight agency. The Parliament of Trinidad and Tobago may want to think about setting up a comparable sort of organization to offer objective evaluations and projections on the nation's budget and fiscal strategy.

Secondly, as we speak about ensuring accountability and transparency, the OBR regularly releases reports and analysis on the UK's public finances which are open for public inspection. So to promote greater accountability and openness in the budgeting process, the Parliament of Trinidad and Tobago may want to

consider putting in a similar safeguard in place as well.

And then, in terms of strengthening budget control and scrutiny, OBR personnel are frequently invited—now, this is an interesting one. The OBR members, staff from the Parliament are frequently invited to testify before parliamentary committees, and the agency's findings are examined and discussed in the UK Parliament. So, in Trinidad and Tobago, the Parliament may want to think about improving its own budget supervision and scrutiny procedures, such as creating a special budget committee or scheduling frequent hearings with concerned government representatives.

Mr. President, a final point is making decisions based on evidence, not on who did what in the past or what I feel. The OBR bases its projections and advice on economic and budgetary analysis. Non-partisan analysis. The Parliament of Trinidad and Tobago may think about adopting a similar strategy for deciding on the budget and fiscal policies by employing data-based research. And why is this important?

You see, Mr. President, we have many times seen examples where the budgetary allocations are wholly inadequate. But when we interrogate any Member of the Government, or especially the Minister of Finance, they simply say, "Well, we will deal with it in the mid-year review." And frankly speaking, Mr. President, that is simply disingenuous.

3.30 p.m.

And in my humble view, it lacks integrity when you are dealing with public funds, when you come to the Parliament to deal with public funds. We have been subjected to under-reporting of expected budget deficits right here in this Parliament. And as a result, Mr. President, there are massive deferrals of payments; have allowed the Government, in my opinion, to deceptively declare surpluses

when they are still owing billions of dollars to service providers, such as MTS, T&TEC. And let us not forget, there are billions of dollars owed in VAT refunds to manufacturers in this country.

Mr. President: So, Senator, again, two things: one, there are only a few points that have been made thus far in relation to this particular Motion, that centre around accountability, resources and transparency. What you have done in your argument thus far, is you have used different examples to make the same point. So I am asking you now, in relation to tedious repetition, that if you have anything brand new, bring them forward.

Sen. D. Lyder: Mr. President, well, I was actually connecting that to one of the suggestions that I had for the Parliament taking its lead from the UK Government, through the OBR, and showing that by implementing this and giving greater strength to parliamentary autonomy and greater ability of information to Members of the Independent Bench, to Members of the Opposition, that we are in a position to not simply have to listen to numbers being read out in terms of reported surpluses, when really and truly if we had proper analysis coming from an independent source, being the Parliament, we are in a position to say to the Government, “But you are owing billions of dollars to T&TEC, you are owing billions of dollars for VAT refunds.” So, to the people of Trinidad and Tobago who are listening on in the Parliament, we are in a position to use the resources of the Parliament, Mr. President, to expose the wrong reports being read in Parliament about surpluses, when really we would be in a deep deficit, Mr. President. So thank you for your advice, and that is why I brought that point as an example to show the importance of parliamentary autonomy here.

Mr. President, as Members of this House, we would all recognize the benefit of incremental and practical changes to the parliamentary process. We would

recognize that. Under the hand of the former Speaker of the House, between 2010 and 2015, a quite learned gentleman, there were several changes made to the Standing Orders that we can all appreciate are of value.

Hon. Senators: [*Laughter*]

Sen. D. Lyder: And they laugh. They laugh. Mr. President, I am sure you took in many of his debates as he presided over an excellent House. But a core tenant of parliamentary autonomy is a reflection that one of the main functions of Parliament is to hold the Executive to account. And this is taken from a document of the T&T Parliament titled, and I quote, “The reform of the management structure of Parliament of the Republic of Trinidad and Tobago Parliamentary Autonomy”, and this was established by the Parliament to help strengthen the process of parliamentary autonomy. And so, it was by the Parliament under a United National Congress-led People’s Partnership that this was developed.

One of the aspects of holding the Government to account successfully was, as I said earlier, the inclusion of the Prime Minister’s Questions, but I will not go back down that road again. I know some people got jumpy on the other side when I called up the Prime Minister’s name. But, Mr. President, other changes that we made to parliamentary process that really strengthened the Parliament, under the former UNC Government, include but they are not limited to a few: basically widening the remit of the Standing Finance Committee where sittings are now broadcasted publicly, which is another aspect of revolutionary change; secondly, establishing a number of standing committees on national security, equality, diversity, finance, legal affairs. This brought the entire Executive under scrutiny and accountability.

Mr. President, let me remind this House, I have told you about the contributions made by the then United National Congress, but let us look at what

the PNM has done, because we heard the Attorney General speak at length. You see, Mr. President, upon coming into office in 2015, it is a PNM Manifesto which became the official policy of the Government when they won. And, Mr. President, when you look, and we turn to page 20 of that manifesto on the online version, we note a passage of budget reform where it states, and I quote:

“This country has been operating with a system of budgeting that has remained unchanged for many years. There are now several areas where it is clear that the budgeting and expenditure control systems need to be reformed.”

And to improve the system of budgeting, a major item proposed by the PNM in that manifesto back in 2015 was, and I quote:

“Instituting a General Accounting Office which will be an independent office of Parliament and which will provide contemporary analysis of actual performance against budget as well as projections of budgetary outturns in light of budgetary or extra-budgetary developments.”

So this general accounting office seems, according to the manifesto, to mirror the effects of what we see with the Office for Budget Responsibility in the UK. But I must state without fear of contradiction, that we do not see anything resembling this UK Office for Budget Responsibility in our Parliament today. And as such, the PNM has not delivered on the promise, not since five years ago, you know, but eight years that they are in government here today, according to their manifesto, they have not delivered on their promise. But we have grown accustomed to that, Mr. President.

Let us recall, Mr. President, that it was Sen. Mark in 2016 who brought the first Motion on parliamentary autonomy to this Senate. The Government went against its own manifesto and defeated Sen. Mark. It was reintroduced again in

2018, Mr. President, and it was supported by all sides of the House. All! As I said, some colleagues who are here present today, and this Motion is being brought for the Government to honour the commitment they made to the Senate. So we in the Opposition are calling on the Government, by this Motion, to adhere to the principles and the values that are enshrined in our Constitution. The PNM Government must adhere to the principles of the separation of powers that are enshrined in our Constitution. Why is the PNM Government not giving life to what is enshrined in our Constitution? When any government does that, not just PNM, when any government does that it can be seen as undemocratic, Mr. President. And we are interested in democracy and the principles of democracy which place people of this country at the helm. And I am only asking, I am advising this Government, I am advising the hon. Attorney General, I am advising the Prime Minister of this country, do not follow the footsteps, Mr. President—

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

Sen. D. Lyder: Thank you, Mr. President. Do not follow the footsteps, not saying that you are doing it, but I am saying do not follow the footsteps of King Louis XIV, when he told the French people that were fighting for democracy that, “I am the State and the State is me.” What happened to King Louis XIV is history now. The people revolted back then. But, Mr. President, do not worry, do not worry; my colleagues, do not worry, because in the next general elections the people will use their voting fingers to revolt, and revolt and remove this incompetent PNM Government from office.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: So it is not for the Prime Minister to call THA Chief Secretary to call elections. The Prime Minister must call an election now. Call an election right now.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: Mr. President, as I close, Parliament is the seat of democracy, and without a strong, independent, accountable Parliament, we are left with nothing more than tyranny and dictatorship. Careful on the other side, you were warned by the presiding officer this morning about the crosstalk, eh. Careful. Therefore, Mr. President, it is our commitment to democracy, accountability and transparency, and integrity that we in the United National Congress fought to bring this Motion, not once, not twice, but three times, almost as much—as much times that this Government has raised the price of fuel.

Mr. President, the Parliament holds the Legislature. As essential as it is, it is enshrined in our Constitution, it is important that we continue to maintain the separation of powers between the three arms of the State. And I heard Sen. Vieira speak about that, the Executive arm of the State, the Legislative arm of the State, and the judicial arm of the State. And if we do not vehemently defend these fundamental pillars of democracy, then the house, that is Trinidad and Tobago, cannot stand. Mr. President, Sen. Vieira has spoken correctly, many times the lines are blurred. But blurred lines we still must—we must always avoid at all costs the trampling of the Executive arm on the two other arms of the State. Let me tell you why this is important, Mr. President. We saw an example of not a blur, but an absolute trampling that happened on another independent arm of the State just last week, and we must avoid that for the Parliament. So I am drawing an example here now, to show you what could happen if we allow this thing to become a runaway train.

Mr. President, it was just last week when a member of the judicial arm had to remind a sitting senior member of the Executive—

Mr. President: So, Senator that is not—one, we do not bring the Judiciary into

debates in this Chamber, and two, that is not relevant to the Motion that is before us. You are wrapping up, so if you want to make your final points, you may continue.

Sen. D. Lyder: I thank you for the advice and, you know what? I will put—you see that part? I will leave that part for a platform. You are right. I will leave that part for a platform. I want to quote what the member of the Judiciary said, but I am taking your advice, because he said it in the *Express* newspaper on Friday the 21st of April, 2023. I will not repeat it here, because I am following your advice, Mr. President. There you have it, in much the same way our democracy can be eroded by the example that everyone else in this House knows but I was not allowed to say it. But everyone else knows that example last week. Everyone knows that example. So in very much the same way that a member of the Executive had to be pulled up, it is very much the same way that if we do not achieve full parliamentary autonomy, we can continue to see the further decay and degradation of our democracy.

Mr. President, we brought this Motion for parliamentary autonomy to ensure we hold the Government to account, to the people who are the ultimate bosses of our nation, and trust me, Mr. President, we will continue fighting and holding this Government to account. We will take them right down until 2025 and then the people will revolt with their finger. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister in the Office of the Attorney General.

The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagrarsingh-Sooklal): Mr. President, I thank you most sincerely for the opportunity to join in this debate, a debate in which I promised myself, because it requires a lot of intellectual discourse, there were

things that I would leave to say on a platform and not in the Parliament. But unfortunately, Mr. President, based on some of the comments made by Sen. Lyder, because this is now placed on the record of Trinidad and Tobago, of the Parliament of Trinidad and Tobago, I am now forced to address some of those issues, Mr. President, and particularly the reference made by the Senator as it relates to what promises were made by the People's National Movement in the 2015 manifesto.

You see, Mr. President, the Opposition is true to form. The same exact arguments that were proffered in 2018, I am not sure if Mr. Lyder just pressed “copy” and “paste”, because I am sure it is one of his colleagues contributions he simply replicated in this present debate. And as a result of that, I walked with my 2015 manifesto [*Member displays document*] knowing that that is exactly what he was going to make reference to.

Sen. Mark: Mr. President, the Member is displaying a document and she needs your permission to do so. And we do not want that to be displayed—

Mr. President: Okay, Sen Mark. So, yes.

Sen. The Hon. R. Sagramsingh-Sooklal: [*Inaudible*]

Mr. President: Yes, Minister.

Sen. Lyder: It is deception.

Mr. President: Sen. Lyder! Again, a point of order has been raised. Minister, the Member is correct, if you are brandishing documents in this Chamber, it does require permission prior to. Continue, Minister.

3.45 p.m.

Sen. The Hon. R. Sagramsingh-Sooklal: Certainly, Mr. President, but I wanted to read from the contents of the document. So it is certainly not to provide a prop for this debate. I am guided by that. But it is to read from the manifesto and the said page 20 that Sen. Lyder made reference to. You see, what Sen. Lyder just did

for the people of Trinidad and Tobago is a habit of the UNC, whereby they come and they mislead, they provide misinformation and attempt to mislead this population. What he did was a piecemeal approach towards what page 20 of the PNM 2015 Manifesto spoke to. What I will read into the record to correct what Sen. Lyder just alluded to was, this is what the PNM stated in the 2015 manifesto under the Head, Budgetary Reform, Mr. President:

“Providing the Judiciary and Parliament with the authority to manage their approved appropriations including instituting their own procurement for goods, services and capital expenditure consistent with the overarching procurement legislation and accountability to Parliament.”

And why I raise that, Mr. President, is because on Thursday the 27th of April, thanks to the Attorney General, thanks to the People’s National Movement, thanks to the Cabinet of Trinidad and Tobago, procurement legislation will be fully proclaimed.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: And because of that proclamation, Mr. President, I had to correct the record. It is erroneous to come in this Parliament, read piecemeal, parts of the PNM’s manifesto and try to put on the public record that we have not lived up to our responsibilities. And that is the extent I wanted to address, that, of course, misinformation, Mr. President, that was presented by Sen. Lyder.

Mr. President, in Sen. Lyder’s contribution, he also spoke about his support for parliamentary autonomy, predicated on parliamentary autonomy allowing for the increased accountability and transparency in the Parliament. Mr. President, as I delve into the depth of my contribution, I would look at, for example, the role and functions of the Standing Orders, JSCs, PA(E)C, all of those committees provide.

And in my respectful submission, I would be submitting, Mr. President, that those are structures that are already in existence that allows the Parliament and allows the Executive more so to account to the Parliament of Trinidad and Tobago.

Sen. Lyder, in his contribution, Mr. President, also spoke about providing resources for the Parliament. Mr. President, if I may respectfully put on the record again, and for the benefit of the viewing and listening public, the Parliament of Trinidad and Tobago already has a separate Head of Expenditure and therefore, the Parliament of Trinidad and Tobago is already responsible for its expenditure, because it has its Head of Expenditure. And that is further bolstered now by the point that I earlier made with the proclamation of the procurement legislation, which is coming on April 27th. That will bolster now Parliament's full ability to now be able to take charge and take ownership of its own procurement.

Mr. President, you know, if I may now reference certain comments made by my senior, the honourable and most distinguished Attorney General.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Sen. Lyder, in his contribution, he spoke about in 2018 that a commitment was made by the then AG about the Bill, to bring a Bill to the Parliament to legislate parliamentary autonomy. Mr. President, most respectfully, I submit, we have a new Attorney General who is responsible for driving his new parliamentary agenda. And that—the hon. Attorney General, Mr. President, in his contribution—

Sen. Dr. Browne: Mr. President, on a point of order, please, it is becoming overbearing. Standing Order 51(1)(e).

Mr. President: So, again, I have spoken to this before and I am once again going to caution Members that when a Member is contributing, there should be silence on the floor to allow the Member to do so. Continue, Minister.

Sen. The Hon. R. Sagrarsingh-Sooklal: Thank you very much, Mr. President. And I was simply making the point that we have an Attorney General who, in his contribution to this most esteemed House, would have indicated, Mr. President, of course, that he accepts the fact that conversations must continue relative to parliamentary autonomy. And that is something I fully, as the Minister with the responsibility to support the hon. Attorney General and his office, I completely support the Attorney General in that position.

Mr. President, the AG spoke about the necessity to adopt the CCJ as its final appellate court if we are serious about the independence of all arms of state. And why I am making reference to that comment made by the AG? Because it is also something that I strongly believe. You see, if we are talking about parliamentary autonomy, we cannot speak about parliamentary autonomy alone without carefully considering how is this going to now impact on the other arms of state. You know, I might probably make a reference to something that Sen. Lyder and some of his colleagues may be able to understand. If we are to look at parliamentary autonomy alone, without considering adopting the CCJ, without considering looking at the other arms of state, it would be similar to sitting down on a one foot bar stool. And if you sit down on a one foot bar stool, we know what is going to happen. You are going to fall “braps” on the ground.

So therefore, I want to endorse the comment made by the Attorney General when he spoke about and he asked the question to Sen. Mark and the Opposition, if they are prepared—in this conversation about parliamentary autonomy, if they would also be prepared to engage in that conversation about accepting the CCJ as our final appellate court, recognizing that Parliament is one arm of the State and with parliamentary autonomy, ultimately the other arms of the state are going to be impacted.

Mr. President, if I may now respectfully get into my respectful submission as it relates to parliamentary autonomy. Certainly, I am in support of the position of the AG and my other colleagues, I am sure who will join in, when I say that, unfortunately, we are not in a position to support Sen. Mark's Motion today and I will tell you why. In preparation for Parliament, in preparation for this Motion, Mr. President, of course, we would have had to look at the JSC reports, we would have also had to look at a draft Bill that was presented and, you know, careful consideration would have had to been given, I would have had to give careful consideration to the contents therein.

Mr. President, I do not discount—certainly, I do not discount the recitals of the Motion which is before us, which entails, inter-alia that:

“...on April 24, 2018 the Senate unanimously approved a resolution calling on the Government ‘...to introduce legislation on parliamentary autonomy during the Fourth Session of the Eleventh Parliament’;”

And:

“...on February 12, 2019, in the Senate, the Attorney General committed to making best efforts to have legislation on Parliamentary Autonomy introduced...”

And:

“to date the Government has not presented to Parliament a legislative framework on Parliamentary Autonomy;”

However, Mr. President, our current reality is in the Twelfth Parliament precludes us from doing so and there are many reasons why I cannot support and we cannot support this Motion, and reasons in which came to my mind after, of course, closer interrogation of the documents that I just listed.

Mr. President, yes, parliamentary autonomy may have been founded on a

democracy that is based on a written constitution. However, there is a caveat to this. Our parliamentary system, although patterned after the Westminster model which has no written constitution, is heavily reliant on our written constitution. For example, Mr. President, section 39 to section 66(d) of the Constitution of the Republic of Trinidad and Tobago, it provides, Mr. President, for an independent Parliament. In particular, Mr. President, my focus would be on section 39 of the Constitution which establishes the Parliament being the Legislature, and this I would, of course, get into later on in my contribution.

Mr. President, when we look to supporting case law, of course we are all familiar—well, at least the lawyers amongst us, are familiar with the locus classicus, *Hinds v The Queen*, 1977, AC 195, of course in which learned Lord Diplock intimated that the Westminster model constitution is based on a separation of powers. In particular, Mr. President, at page 233 of this judgment what we found in this locus classicus was that the court stated that:

Though they, the constitutions of different jurisdiction, differ in some respect. In the main, they follow what our noble and learned friend, Lord Diplock, called the Westminster model. They are more sophisticated than any written constitutions of greater antiquity and none of them which are not federal constitutions. We believe limit the legislative capacity of the Parliament of the territory to which they apply.

So, Mr. President, the question is: What does this mean? We acknowledge that a Parliament Service Authority Bill may bolster the independence of all arms of government. But, Mr. President, when we weigh, or at least when I weigh—after review of the JSC report, after the review of the draft Bill, when I weighed the benefits—I would have to say the benefits—the disadvantages, to my mind, outweighed the advantages in the current incarnation of the Bill that Sen. Mark

would have alluded to. And because of that, Mr. President, I am of the opinion, I support—that is why I support the Attorney General’s position that conversations, conversations, conversations must continue.

Certainly, I was not anywhere at all close to sitting in this Parliament, this honourable Chamber, at the point in time when those matters were debated and certainly, I myself will want to have an opportunity to be a part of the conversations, the conversations, the conversations. So therefore, I reject, Mr. President, most respectfully, that short time frame in which Sen. Mark is requiring or expects this Government to be able to bring a Bill to this Parliament, Mr. President, that will give parliamentary autonomy.

Now, I know the Attorney General and also other Senators would have gotten into a little bit of what parliamentary autonomy is, and I also want to add something a little different to that contribution. You know, Mr. President, it is clear that there is no clear definition of what the term “parliamentary autonomy” refers to. I can say, Mr. President, there is no one clear definition of “parliamentary autonomy”. It is indeed unique, and unique to what? It is unique to the jurisdiction that exercises this autonomy to set out the degree to which Parliament exercises its own autonomy.

So, in other words, from the very get-go it is clear that there is no one sock that will fit all. And because there is no one sock that fits all in determining what form or what incarnation parliamentary autonomy ought to take, that is evidence enough why the Government, if it decides to engage in consultation or decides to put back on the legislative agenda parliamentary autonomy, it will require, Mr. President, of course, deep consideration of this topic, recognizing that the autonomy, of course, has to be taken in the context of the jurisdiction in which and the realities in which you want to apply that autonomy.

Mr. President, you know, also in my readings it was clear that there are different models, there are different forms of parliamentary autonomy. For example, one characteristic of parliamentary autonomy is, of course, that concept of governing itself—Parliament governing itself. I recall in an article that I read, “Reflections on the Autonomy of Parliament”, by Rt. Hon. Beverley McLachlin, PC, it states:

“Autonomy implies that Parliament must be entitled to govern itself and thus cannot be subject to judicial review of the legality of its proceedings.”

So there is actually a model, in other words, learnings that speak to parliamentary autonomy. A characteristic of parliamentary autonomy can actually be one in which laws—the Parliament governs itself and nothing emanating from this Parliament can be subject to judicial review.

That, to my mind, Mr. President, if we are to take that into consideration as being a possible characteristic or form that parliamentary autonomy can take, that is something that is going to require serious, detailed consideration. And again, I go back to the point made by the hon. Attorney General. These are some of the—when he spoke about the conversations must continue. This supports, Mr. President, why conversation must continue and it is something that we simply cannot present on or promise on in short order.

Mr. President, when I read further in preparation, there was another—there were other learnings, because the point that I made earlier on is that there is no one sock that will fit all. And if countries are to embark upon giving autonomy to its Parliament, it is going to have to determine—well, of course, assess the realities of its nation, of its jurisdiction, the Parliament itself and then apply a model to suit those realities. Right?

4.00 p.m.

In reading, Mr. President, of course, I came across what is referred to as the separation of powers model. Now, we are all familiar, of course, with the separation of powers, but I want to make reference to something that I found in an article, Mr. President, another piece of learning on parliamentary autonomy, “The Role of Parliament Autonomy in Constitutional Review” by Jan Wintr, Jan Chmel, Daniel Askari. I hope I am not sabotaging the name. But what this article stated, Mr. President, it stated:

“The principle of parliamentary autonomy is universally recognized, in one form or the other, in all democracies, historically shielding parliamentary affairs from other branches of power and outer influences.”

Mr. President, in our context, what we must remember is that the Constitution of Trinidad and Tobago speaks to the separation of powers and, of course, I will get into this later on in my contribution. But here we have another concept being put to the table, another piece of learning relative to what are some of the thoughts that will form the thinking process in determining whether you are going to make your Parliament autonomous. And certainly, again, this is not something that can be overnight. And again, endorsing the Attorney General’s point, conversations will have to continue and we certainly cannot bring this Bill in the time frame or we cannot be forced to place this on a legislative agenda as Sen. Mark is requiring the Government Bench to do today.

Mr. President, if I may now look at my views on some of the reasons why I believe as well I am not prepared, as a Member of Government, to support Sen. Mark’s Motion and there are four simple points. One, in looking at parliamentary autonomy, it is not just going to be all fluff and talk. It is not just going to be a paper. It is not just going to be a theory. Once we speak about parliamentary autonomy, we have to speak about how we are going to then operationalize

parliamentary autonomy. And in the operationalization of parliamentary autonomy, we have to address what is going to happen to the staff of the Parliament, Mr. President, if, for example, we decide to adopt Sen Mark's Motion. And therefore, staffing is one of the reasons, which I will get into, Mr. President—why, and how, and the time that is going to be required to deal with legal issues as it relates to staffing. That is certainly one of the reasons why I cannot support Sen. Mark's Motion.

Under staffing—when I get into the point of staffing, Mr. President, I would look at the different categories of staff that are an autonomous Parliament or at least our current Parliament consists of. We have our parliamentary administrative staff. Those are the public servants that work in the Parliament. Then, of course, under staff, we would have our contract employees that will form part of the staffing of the Parliament. And in the staffing of the Parliament, Mr. President, we will also have to address the issue of MPs, Members of Parliament, and I will get into that point a little later on and explain why staffing is one of the major reasons why, currently, I am not prepared to support Sen. Mark's Motion and him making the point that he needs the Government to do this within a period of time.

Mr. President, apart from staffing, of course, I will get into again some discussions about the separation of powers and what it would mean to parliamentary autonomy and explain why that is also another reason why I am not prepared to support this Motion.

My third reason which I will get into, Mr. President, is what I term “parliamentary devices”, that is, structures that are already in existence in our Parliament which, to my mind, gives the Parliament already a level of autonomy, a level of transparency.

And then, finally, I would look at international comparators. I would look at

comparators in other jurisdictions, where what was required before those countries made their Parliaments autonomous.

Mr. President, if I may now respectfully get into the first—one of the reasons why I cannot support this Motion is on the point of staffing. I want to go back, respectfully, to the *Hansard* of Sen. Mark because Sen. Mark, of course, moved the Motion. And in referring to that *Hansard*, Mr. President, Sen. Mark admitted on page 28 of the *Hansard*, dated the 28th of March, 2023, and I will quote:

“We already have a professional staff. I have to take my hat off to the parliamentary staff”.

And I want to join him in saying, I too take my hat off to the parliamentary staff. But he goes on to say:

“They are professional. They are hardworking. They are consistent. They provide help to everyone, regardless of the colour or complexion of your party.”

However, his problem is that they do not come from outside of the public service. So that was one point Sen. Mark would have made in his presentation of this Motion.

Another point that Sen. Mark would have made on page 81 of the *Hansard*, dated the 28th of March, 2023, Mr. President, he stated that:

“What we are saying is that we must go a step further. They must be outside of the public service...”

And therefore, in his model—so when I started my contribution, I spoke about there not being one sock to fit all. And I spoke about, once you engage in the conversation about parliamentary autonomy, it will be for us to decide what form and what structure that is going to take. Based on Sen. Mark’s—the mover of this

Motion, he would have indicated in his *Hansard* that in looking at—his model or his concept of parliamentary autonomy is one in which no member of staff from the Parliament would be from the public service and they are all persons who have to be taken from the outside, and I would have made reference to the parts of the *Hansard* in which he made reference to this.

Now, Mr. President, this is a very scary thought and this is one of the fundamental reasons I am not in a position to support the urgency in which Sen. Mark wants us to be able to engage in bringing this Bill to the Parliament. And the reason is, I looked at page 61 of the JSC Report, the Fifth Session of the Tenth Parliament for 2014/2015 Session, via a letter from the Public Service Commission after reviewing the pre-policy paper entitled:

“...towards an Independent Parliament - Ensuring Parliament’s functional autonomy”.

Now, in this very important piece of paper—and I advise respectfully, through you, Mr. President, I submit to my colleagues, especially those of the Independent Bench, to have a read, if you have not already, of that particular paper. In that paper, of course, the Public Service Commission, they raised the concern that allowing the Parliament to have control over appointing their own staff, as noted in paragraph 11 of the policy paper, would remove a large number of public officers from under the jurisdiction of the public service. As a result, these officers will now fall under the Clerk of the House and not protected by the Public Service Commission.

Now, why I am raising this particular issue, Mr. President, is because, of course, if we are to adopt any Bill that relates to a parliamentary autonomy, we are going to have to consider what is going to happen to the staff that forms part of the public service. Sen. Mark, in his presentation, would have indicated that in his

Hansard his idea of parliamentary autonomy is having a Parliament free of public servants. Certainly, if we have to give any consideration to that, Mr. President, it is going to require serious consideration and serious thought.

Mr. President, in a letter dated the 19th of January, 2015, the Public Service Commission went on to emphasize that they must be a part of consultations as they are constitutionally-appointed commissions with the purpose to—and this is the part of that letter that I found particularly interesting, which we are already aware of, I know—insulate members of the civil service from political influence exercised directly upon them by the Government of the day. And, of course, I could make refer now to the case of *Endell Thomas v the Attorney General*, 1982, AC113,124, of course, for the *Hansard* records, a case that, of course—a locus classicus again—that speaks to the role of public service and those employees and persons who work within the public service.

Now, Mr. President, the question is: Why I am making reference to the case law; why am I making reference to the JSC? I am making reference to it because to my mind, Mr. President, if we are to accept Sen. Mark's Motion, then Sen. Mark is calling upon us to hurriedly deal with an existing Parliament in which we have members of the public service who are employed in this Parliament, and certainly to determine what is going to happen to those members who work here because Sen. Mark is proposing a parliamentary autonomy in which persons are employed from outside. If we are to adopt Sen. Mark's Motion and the form in which—and, of course, make reference to what he would have said when he lead this debate, then certainly we would require the time to be able to address critical legal issues, as Endell Thomas would have referred to, making reference to the point or the purpose of the public service.

Mr. President, you know, when public officers are removed from the

protection of the Public Service Commission, they will have no certainty. The only protection provided to them, Mr. President, would be the terms and conditions set out in their employment contracts. For parliamentary staff currently appointed under the Public Service Commission, consideration, Mr. President, must be given to those who are permanent staff currently appointed under the jurisdiction of the Public Service Commission. So therefore, it is of utmost importance that the retention of their remuneration and benefits be safeguarded if we are to operationalize what Sen. Mark, or if we are to accept the model of parliamentary autonomy that Sen. Mark presented in his moving of this Motion.

So, Mr. President, the simple point is, Sen. Mark, in his *Hansard* he would referred to his concept of dealing with staff based on what his model or his perception of parliamentary autonomy will entail. And I am respectfully submitting to those on the opposite side, especially our Independent Senators, that as a Government, we cannot do this in a short space of time. We will require the time and the space to be able to—again, referring to the comments made by my most esteemed senior, we will need that time to continue that conversation, being able to—I certainly, being a new Member to Parliament, will require the time to look at the legality and the issues that will arise in dealing with the issue of staffing.

Mr. President, of course, if we look at contract employees that also currently exist in our current Parliament, consideration must be given to those contract employees of the Parliament. What happens to their tenure if we are to just move immediately towards parliamentary autonomy, Mr. President, as Sen. Mark is alluding to? What is going to happen to their tenure? What happens to their benefits? Should they terminate employment under the old regime being the Parliament and undertake new duties under a new contractual arrangement in an autonomous structure? I am putting those questions forward because those are

Sen. the Hon. R. Sagramsingh-Sooklal (cont'd)

questions, Mr. President, I asked myself in the reading of Sen. Mark's Motion. I—certainly.

Sen. Vieira: Sorry to interrupt, Minister. Just a question. In relation to Sen. Mark's Motion, would you be willing for the matter to go to a joint select committee for ventilation and consideration, and report back to this Parliament?

Sen. The Hon. R. Sagramsingh-Sooklal: To answer your question, hon. Senator, certainly a JSC is always accepted, of course, when we have to ventilate a Bill. But to even get to that point, we need to have a Bill which we have to be able to take to a JSC. And before we can even get to a Bill, we need to have a fixed policy. And what I am saying is that, to my mind, all of these staffing concerns will form part of the policy consideration before that can even then redound into a Bill, which can then go before a JSC. So certainly I have had the benefits since my short space of time in this Parliament on sitting on several JSCs and, of course, I understand the benefit—and I am in a 100 per cent support of a JSC. But to even get to the point to a joint select, we are going to have to have a Bill. And if we reverse even further, we are going to have a policy and that policy—in considering that policy, I am saying that we certainly will have to look at issues of staffing.

The public service, that is something I would want to address by my tone. And I am most certain the Attorney General, of course being a new Attorney General, will also want to have his say and play his part in determining what that policy would look like, which will then translate into a Bill, which then, of course, at that stage if the Attorney General advises the Cabinet that it ought to go to a joint select committee, I as a Member of this Parliament, as a citizen of Trinidad and Tobago, of course would welcome and be willing to sit on that said committee. I hope that answers the hon. Senator's question.

4.15 p.m.

Mr. President, so if I may continue, the purpose of employing staff from outside of the public service, to my mind, at least based on what Sen. Mark said, is to ensure that they perform their duties without prejudice but we already have that as stated by Sen. Mark on page 81 of the *Hansard*, dated 28th of March, 2023. So then we already have structures in place that lend to the essence of what parliamentary autonomy entails, just not under the term of “parliamentary autonomy”.

So, to my mind, Mr. President, then why fix something if it is not broken? And more so, why fix it in such a short space of time? Allow the Government, allow the Parliament the space and the time to be able to fixate its mind or to be able to settle a policy, taking into consideration many, many factors before we can probably even have a Bill that can be placed on a legislative agenda and then, you know, whether it goes to a JSC or wherever, of course, those decisions will be made.

This change, Mr. President, would in turn have more of a negative impact, to my mind, in looking and dealing with staff-related issues on the public officers and employees as they would be offered less protection than what is probably offered under the Public Service Commission. And therefore, for these reasons, Mr. President, in looking at staff, I certainly would not be in agreement with Sen Mark’s Motion. I am in agreement with, of course, the Attorney General, again reiterating that point for the benefit of the public of the need, to continue that kind of conversation so that we can firstly have a settled policy position which can then of course redound into a Bill and so forth.

Mr. President, you know, I would have indicated in looking at staff, we also have to look at another category of staff which is MPs, all of us. In addition to parliamentary staffing, well, I would have indicated we have to look at MPs, both

in the upper house and the lower house, and this came to my mind and I said to myself, well—because we all form part of Parliament and if we are to have parliamentary autonomy, certainly, I would also, we would also on the Government Bench, in creating and establishing a policy, we would have to also consider how is parliamentary autonomy—and properly consider how is parliamentary autonomy going to now impact upon every Member who sits in the Senate and every Member who sits in the House of Representatives.

You know, Mr. President, and in doing this research, I read a 2019 report, a European Union report entitled, “Activities on strengthening parliamentary practices in Trinidad and Tobago”, and it highlighted the various hurdles the Parliament faced and still currently faces. Now, this is a 2012 article, but that being the size and the composition in comparison—and this is critical, eh. That article spoke about the size and composition in comparison to other parliamentary systems on an international scale. And for those of my colleagues opposite who may want to have a read of that report, it is on page 7 of the report. And that is specifically stated, the problem facing Trinidad and Tobago is similar to an issue facing many—

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

Sen. The Hon. R. Sagramsingh-Sooklal: Thank you, Mr. President. The report said:

It is similar to an issue facing many small country parliaments. The membership of the Parliament is not large enough to support the multiple committees and number of Members who sit on committees is limited.

And that is a reality of what faces us already in this Parliament. I am what you would term a “full-time parliamentarian” because I hold a ministerial portfolio. Therefore, I understand what comes with being a full-time parliamentarian. So if I

am placed on nine JSCs, which I have been placed on in the previous Parliament, I have to accept that because that is a part of being a full-time parliamentarian. But there are Members, for example, in this Senate who, to my—I am just using the term very loosely, are part-time parliamentarians and are still required to sit on sometimes nine, 10 JSCs, or six or seven JSCs simultaneously. That is a live factor, Mr. President, to my mind, that will have to be considered carefully in establishing a sound policy that, as I said before, will then translate into a Bill that can then go anywhere thereafter in this Parliament. We already had limit—

And therefore, I am making this point to also say, when we look at other countries, for example, like the UK where there is parliamentary autonomy, we have to bear in mind the size and the composition of the Parliament of the United Kingdom. “It waaay” outnumbers what exists in our reality which is a small Parliament. And what you may find is once we go the route of looking at parliamentary autonomy, there will be other consequential amendments in other pieces of legislation which will now be required to bolster the membership in the Parliament, whether it is those who sit in the Senate and those who sit in the House which, of course, speaks to constitutional reform.

So again, Mr. President, to my mind, that staffing, the whole issue of staffing, whether it is the Parliament staff, whether it is Members of Parliament, whether it is contractual officers in this Parliament and more so public service, that will require us to have some serious consideration. I certainly, as a Minister and a Member of Government, would want to have a part to play in considering, you know, what is the existing literature and, of course, doing our own research before we can even be able to support a policy position that will then drive a Bill, that can support parliamentary autonomy. And, Mr. President, that is one of the major, major reasons why. Briefly, Mr. President, how many more minutes do I have?

Mr. President: You have two more minutes.

Sen. The Hon. R. Sagrarsingh-Sooklal: Two more. So quickly, out of staffing, it also lent my mind to, another consideration will be all the economic factors. You know, Sen. Mark in his *Hansard*, I cannot recall—oh, I think it was on—yeah, page 82 of same *Hansard*, dated March 2023. He said:

“So when we talk about parliamentary autonomy, we are talking about the ability of the Parliament to recruit its own staff...pay its own staff...promote its own staff...”—and—“use meritocracy as the basis for advancement of the staff.”

Now, when you have to pay, when you have to promote, when you have to hire staff, all of that, the reality is that it translates into an economic reality because then, of course, the resourcing and sourcing of resources to have this materialize is a critical issue. Because if you are looking at increasing the amount of persons who sit in the Parliament, to give the Parliament its autonomy, we certainly need to know as an administration where we are going to find the money, which Heads of Expenditure are we going to take money from in order to send to the Parliament to give it the resources that it requires to run an autonomous Parliament. And that economic factor is also another reason why, very briefly, why I cannot support Sen. Mark's Motion.

Mr. President, I again want to end where I started in supporting the Government's position, supporting the Attorney General's position when he would have indicated, of course, that we need to continue the conversation. This is something that cannot be done overnight, this is something that cannot be done in three months. We need that time to firstly address our mind to a policy which can then be translated into a Bill and then, of course, if it has to go to a JSC at that point, I stand ready to support. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. Dominic Smith: Thank you, Mr. President. It is my honour to stand before this honourable Senate in full support of this Motion calling on the Government to reaffirm its commitments to introducing a legislative framework on parliamentary autonomy and to introduce a Bill on parliamentary autonomy in the Parliament within the next three months. But before I get to the essence of my contribution, I just wanted to educate Members of the other side and perhaps provide some guidance in terms of referencing related to the contributions on our end by the team.

In particular, I want to remind my colleagues on the other side that the gentleman who has proposed this Motion, he does in fact have quite a bit of parliamentary experience. In fact, the distinguished gentleman has over 33-plus years of representation. So of all the persons who they “cannot” support, as my colleague across, the hon. Sen. Sagramsingh-Sooklal, many things she could not support and perhaps that is something that they should consider when looking to quickly, and as she put it, hurriedly dismiss quite relevant Motions brought to the public through this House by my learned colleague, Sen. Mark.

And it is quite interesting, in fact, that she mentioned my colleague, Sen. Lyder, referencing what she brandished in her hand, “the red marketing material” I would say, so openly in this august Senate and that manifesto, in fact, read—the theme of that manifesto, “Let’s Do This Together”. “Let’s Do This Together.” Yet, throughout her speech, all I could hear was, “The Government cannot, the Government cannot, the Government cannot”, and you are right, because you should not be in Government.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: You see, this Motion before us—and you know, it is quite

insulting. You know, they mentioned items that relate to the Standing Orders, 46(1), and insinuating improper motives, et cetera, but my learned colleague, Sen. Wade Mark, in his intelligence to bring such a Motion to this Senate, he is not a spring chicken. The man did not just fall off the “mango tree”. He has been here a while, he is well-established, he is quite learned. The man has a vault of experience. And so, in particular, as it relates to the reference, in fact, the 2015 manifesto did in fact state and I quote:

“This country has been operating with a system of budgeting that has remained unchanged for many years. There are now several areas where it is clear that the budgeting and expenditure control systems need to be reformed.”

And I would invite my colleague on the other side to look at the online version, specifically page 20.

Sen. Lyder: [*Interruption*]

Mr. President: Sen. Lyder. One second, Sen. Smith. I am absolutely certain that the language of this Chamber is English and with that, I am assuming that everybody can comprehend what I am saying when it is I make a statement in relation to outbursts whilst Members are making their contribution. So let me make this absolutely clear. There will be no more warnings, there will only be action. Continue, Sen. Smith.

Sen. D. Smith: Thank you, Mr. President. And so, I just wanted to briefly provide some clear referencing guidance to Members on the other side. So, again, you can reference that document online, page 20, where you explicitly said, and as I just quoted, that there is a need for reform. Moving right along.

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

There was mention of Sen. Mark’s contribution again as it relates to

parliamentary staffing and there was a reference made where specifically Sen. Mark in his contribution would have highlighted or put into question the safety of staff members of the Parliament. I think explicitly, I myself, you know, in reflection and in going through the supplemental documentation as it relates to this Motion also spent quite a number of hours perusing.

4.15 p.m.

And I cannot see where my learned colleague would have mentioned that. In fact, what he mentioned was that there should be a recalibration of said stipulations. And so, that is a very, very different context. That is a very, very different term. And so, I just wanted to make clear that improvement is something that must always be acceptable. And so, if we are speaking about parliamentary autonomy, on this side, we are speaking about the improvement of the overall operational capacity and the system. And I will get into more detail with that.

But moving right into the real essence of what this Motion speaks to, and I have completed my remarks as it relates to my colleague on the other side. You see, Mr. Vice-President, what we are really debating here today is a fundamental principle of democracy. And the word “democracy” has its origins in the Greek language, and it combines two shorter words, “demos”, meaning whole citizen living within a particular city or state and “kratos”, meaning power or rule. And combined, that suggest to us colleagues, that the citizens in a democracy are the persons really enshrined with the power to rule, because we give the Parliament and parliamentarians and leaders within society the power to govern.

And it is generally agreed that in liberal democracies, they are based on four principles, which I would like to highlight. A belief in the individual, since the individual is believed to be both moral and rational; a belief in reason and

progress, based on the belief that growth and development is a natural condition of mankind; and politics, the art of compromise. Thirdly, a belief in a society that is consensual, based on a desire for order and cooperation, not disorder and conflict; and, of course, a belief in shared power. And it is important for us to note the word “shared”, because this is based on the suspicion of concentrated power, whether by individuals, groups, or governments. And, you see, when there is a concentration of power in anything, that typically is a red flag. And so, in dealing with this Motion, it is important that we understand what the democratic framework is behind this particular Motion. And I want to suggest to the Senate today that it is based in legitimacy. It is based in the principle and framework of justice. It is based in the workings of freedom, and it is based in the workings of power, but the power provided via the citizens of the nation. And if I were to use the words of Abbie Hoffman, and I quote:

“Democracy is not something you believe in or a place to hang your hat, but it’s something you do.”

So it is an active process, and you participate in this active process. So therefore, by logic, if you stop doing it, democracy, therefore, crumbles. And if I were to use the words of the hon. Kamla Persad-Bissessar, former Prime Minister of Trinidad and Tobago, democracy is not a process, it is a way of life.

And so, Mr. Vice-President, it is an important distinction. Because if we believe that democracy is a process and it is a fluid concept, not one to be rested, not one to be shelved; that it is a process, then we understand that inactivity or delay in that process is in fact the enemy of democracy. And this Motion speaks about a delay. In fact, not a hurried suggestion, a four-plus year delay. And the question must beg: Why the delay? And so, if we understand that inactivity and delay are the enemies of democracy, idleness is, in fact, an enemy of democracy;

laziness is, in fact, an enemy of democracy; inactivity is, in fact, an enemy of democracy; slowness is, in fact, an enemy of democracy; inertia is, in fact, an enemy of democracy; lethargy is, in fact, an enemy of democracy; indolence is, in fact, an enemy of democracy, Mr. Vice-President. And that is what we have before us.

And we do not like to pick on the Government. We do not sit down in our time and pastime thinking of ways to tort the Government, but the facts are the facts. And this Government has lost its effectiveness across all segments of society, all functions of society, and all derivatives of the same.

And so, Mr. Vice-President, we are here to debate a Motion whose essence has been a victim of inertia of the Government. And if I were to speak specifically to the essence of the Motion, and I want to be clear on it as I begin to dive further, and I will skip quickly to the “whereas”:

“*Whereas* on April 24, 2018...”

Note the date, April 24, 2018. Have I lost my mind that we are in 2023?

Hon. Senators: [*Laughter and desk thumping*].

Sen. D. Smith: You could swear that we were in April 2019. Okay, sure, a year’s grace, not hurriedly. But we are in 2023, my friends. This must be some sort of twilight zone. But before I get to impassioned, I will continue. So:

“...on April 24, 2018 the Senate”—this Senate—‘unanimously approved a resolution calling on the Government ‘...*to introduce legislation on parliamentary autonomy during the Fourth Session of the Eleventh Parliament and have same...Joint Select Committee of Parliament for consideration and report before the end of the Fourth Session of the Eleventh Parliament*’;”

And then:

“...*whereas* on February 12, 2019, in the Senate, the Attorney General committed to making ‘best efforts’ to have legislation on Parliamentary Autonomy...”

And might I suggest to the Members opposite, whether it is a former Attorney General, a current Attorney General, a future Attorney General, delay is delay. There must be a transfer of duty. And so, I do not understand the point that, okay, this new Attorney General has a new framework, a new espoused duty. It is the same. There must be a transfer.

And so:

“...*whereas* to date the Government has not presented to Parliament a legislative framework on Parliamentary Autonomy;

Be it resolved that the Senate call on the Government to reaffirm its commitment to introduce a legislative framework on Parliamentary Autonomy;

And be it further resolved that the Senate call on the Government to introduce in Parliament, within three (3) months...”

Now, this is not the first time Sen. Mark has brought this to the table. It is not the second time Sen. Mark has brought it to the table. My friends, it is not the third time Sen. Mark has brought it to the table. And so, almost in a state of probably madness, he is wondering: Why has this not brought fruit after such a long period? And I could understand his sentiments.

And so, Mr. Vice-President, as we are all aware, the separation of powers is a fundamental principle of democracy and it is crucial to the effective functioning of a government. The Legislature, Judiciary and Executive branches must operate independently of each other to ensure that the power of the Government is not concentrated in any one branch. And in so doing, democracy

can have a long, and as I like to call it, healthy life, in our country.

And so, the need for parliamentary autonomy is also not unique to Trinidad and Tobago, as many other countries have recognized its importance and have taken steps to enshrine this principle to law. In fact, if we look at our own leaders—and when I say leaders, I am suggesting taught leaders in the space. When we peruse the academic literature, as it relates to separation of powers—and I want to refer to a 2012 article titled, *The Theory of the Separation of Powers in Caribbean Constitutions* by the Trinidadian political scientist, Bishnu Ragoonath. And he writes in his book:

The separation of powers is the bedrock of a modern democratic system. It ensures that no one branch of government can dominate the others and that each branch is able to act as a check and balance on the others.

And so, the article's main tenets of separation of powers include the principle that power should be divided between these branches, and with its own functions and responsibilities, and that no one branch should have too much power or be able to interfere with the functioning of others. And this is the crucial point that this Motion brings to bear. And specifically in the Caribbean, one of the main issues that we have had, in relation to the separation of powers, is the concentration of power in the Executive branch, which often leads to lack of accountability and oversight. And so, this is a challenge that this Motion seeks to address.

And if I were to further take the words of other Caribbean scientists in the political arena, I could look at Hamid Ghany's article on the separation of powers and its effectiveness in a democratic functioning system. And it ensures that the Executive does not have unchecked power, and the Judiciary and the

Legislature are able to exercise their respective roles without interference. And this is a quintessential concept when we speak about parliamentary autonomy, separation of powers, and the role that we have here today, the responsibility that we have here today with this Motion. In fact, Ghany would have identified that the role of the Legislature, in checking the power of the Executive, can be assisted by creating an independent body to investigate, for example, allegations as it relates to corruption and abuse of power.

And so, what are the main tenants that come out of this Motion? One, there is a level of administrative independence that is required. So it not only ensures legislative and Executive branches operating independently in terms of lawmaking and governance, but also in terms of administration.

The second point is the protection of parliamentary privileges. And so, the separation of powers also protects the privileges of the Parliament and its members, who we are part of, including the freedom of speech, the freedom from arrest, which are essential to the functioning of a democratic Legislature. In Trinidad and Tobago, these privileges are in fact enshrined in our Constitution and protected by law.

4.45 p.m.

And the third point, oversight and accountability. And the separation of powers, again, ensures that the Parliament can have a level of accountability for its actions. And in Trinidad and Tobago in particular, the Parliament has a range of power to scrutinize the actions of Government, including the power to summon government officials to appear before parliamentary committees, and to pass Motions of no confidence in the Government.

And the fourth point, checks and balances. So it serves as a balancing act that ensures that the Government does not overstep. Because when a government

oversteps, again, this is a red flag. And this is a threat to our democracy, our fragile democracy, which is again a process, a continuous daily engagement. And all of these are embodied by a concept that we all might be familiar with, which is the concept of good governance. And so, parliamentary autonomy is enshrined in the concept of good governance.

In fact, the United Nations Public Administration in 2021 has outlined good governance, which entails sound public sector management, and in particular, efficiency, effectiveness and economy. It also speaks to accountability, which relates to the exchange and free flow of information and transparency. And then there is the legal framework for development. And this specific item, as it relates to good governance, falls under the justice, respect for human rights and liberties contribution by the United Nations. And so, we have had, as I mentioned, the Caribbean thought leaders on this particular issue of parliamentary autonomy and the separation of powers, but let us consider as well some Caribbean parliamentarians and their thoughts on this important topic.

And in 2019, a speech by the Bajan Prime Minister, the hon. Mia Mottley, she emphasized the importance of the separation of powers and stated:

It is a fundamental principle of our democracy. It ensures that no branch of government can overstep its bounds or abuse its power.

In 2021, the hon. Kamla Persad-Bissessar SC, she stated:

...the separation of powers is essential for maintaining checks and balances again necessary for a robust democracy. It ensures that no one branch of government can become too powerful and that the people are able to hold their leaders accountable.

In fact, if we were to go to our brothers in Jamaica, in 2020, Prime Minister Andrew Holness emphasized the importance of the separation of powers stating:

The separation of powers is a critical aspect to the functioning of a democracy. It ensures that government is able to exercise its respective powers independently.

And so, I have begun to classify this Motion, again, within the context of Caribbean thought leaders on the matter, Caribbean parliamentarians, fellow colleagues in the region, and my colleague, Sen. Lyder, would have mentioned some of the positions of the global community. For example, in particular, in the United Kingdom, the concept of parliamentary autonomy is well established and the House of Commons has full control over its own affairs, including the power to regulate its own proceedings and to control its own budget.

And I know colleagues across would have mentioned Head Expenditure as it relates to budgetary control but, again, if we were to use the Westminster system, and we were to benchmark that system, you know, colleagues across would have mentioned how massive and robust those particular systems are, and in following their principles of parliamentary autonomy, it is suggesting that the Parliament be able to control and regulate its own budget. And that is something that like my colleague, Sen. Mark, said, can be a recalibration of sorts and one that can provide great benefits perhaps to all Members involved in the parliamentary process.

And so, it is unfortunate at times when we consider that, despite the commitment made by the Attorney General in 2019, the Government has failed to introduce any legislation on parliamentary autonomy. And this is particularly troubling given the fact that the Senate, us, unanimously approved the resolution in 2018. And so, Mr. Vice-President, the benefits of parliamentary autonomy are numerous. We have all stated over the course of this Motion its strengths. We have spoken about the democratic process. We have spoken about the enhancement of accountability. We have spoken about the brilliance of a

transparent system and we have spoken about the ability to ensure that the Parliament can function independently of the Executive.

And so, Mr. Vice-President, if the literature points to this, fellow Caribbean leaders and local leaders point to this, the Caribbean and global perspective is quite clear on the matter; we have specifically spoken to the benefits directly as it relates to this legislation, including the checks and balances, the effective representation, the legislative efficiency involved, the improved democratic participation that this would allow, the preservation of the rule of law, I must ask therefore, why is there so much benefit in the delay of something that we have already unanimously agreed on?

And so, as I was sifting through my mind for possible reasons as to why a government would propose to be acting in the interest of the people, which I hope that they are, a few things came to mind for possible reasons for delay. And so, maybe the delay in legislation related to the separation of powers, specifically related to parliamentary administration for various reasons, maybe the Government is of the view that the legislation is a threat to its own power and control over the Parliament. This is something that came to mind. And if the Parliament therefore becomes more independent and autonomous, then the Government would have less influence over its proceedings and decision-making. And this is a very logical conclusion.

And so, I ask Members across: Is this in fact the reason? If everything leads to this piece of legislation being acceptable locally, regionally; being promoted in fact by our colleagues in the UK, a system that we have adopted via the Westminster system, then what is the reason for the delay?

Another reason could be that the Government may not want to prioritize the issue as highly as other policy areas, and I thought to myself, maybe that could be

a reason. Areas such as economic development maybe, or national security. This could lead to delays in introducing and passing legislation related to parliamentary autonomy. But when I looked at issues related to economic development and national security, I quickly realized that cannot be a reason either.

And so, maybe within the Government the proposed legislation has become too complex, involving multiple stages of debate, maybe Committee review. Maybe this was the reason for a delay in passing the legislation. And I said to myself, well, this cannot be as well, because certainly four years plus is sufficient time to get your ducks in a row. And so, I ask the Government, and maybe they can provide some advice, as to which of these possible, logical, reasonable thoughts reign true for them? But I do not want to cast aspersions to the other side. So I said to myself, maybe this is an item that I need to give more dedicated thought to. But then I was reminded of several other delays within our parliamentary process. I am reminded of the Data Protection Act, to protect citizens, where there were also delays. And in particular, the hon. Sen. Paula Gopee-Scoon, in fact, the newspapers, in the *Newsday* on Monday 03 April, and I quote:

“On Tuesday, the Acting Leader of Government Business...”

Sen. Dr. Browne: Mr. President, Standing Order 46(5).

Mr. Vice-President: Senator, the Standing Order relates to the addressing of the Minister by his or her full title.

Sen. D. Smith: Apologies, Mr. Vice-President, I am guided. My learned colleague across, I do apologize. I will be sure to reference appropriately the title. But—

Mr. Vice-President: If you may, you may just repeat her title properly as you proceed.

Sen. D. Smith: Sen. The Hon. Paula Gopee-Scoon.

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

Sen. D. Smith: Minister of Trade and Industry. Is that sufficient, Mr. Vice-President?

Mr. Vice-President: It certainly is. Senator, you have five minutes remaining.

Sen. D. Smith: And the point is, I am not trying to be facetious in my scrutinization of the newspapers that is available to the public, but in perusing the Motion and documents related to the Motion, I came across a pattern of activity as it relates to the Government. And the pattern of activity that I am referencing can be directly related to specific articles that I am now reading where delay is the modus operandi. And so, in the Data Protection Act, there was a delay and suffice to say there was request that more time be given.

Mr. Manning: Mr. Vice-President, 46(1), please.

Sen. Lyder: [*Inaudible*]

Mr. Vice-President: Sen. Lyder, a point of order was raised, it is upheld. Continue.

Sen. D. Smith: Thank you, Mr. Vice-President. And so, this concept of needing more time is always present when we are having these meaningful discussions. And you have to ask yourself, why, why so much delay? Is this a lack of preparation? Is it a lack of resources? Is it a lack of operational capacity? And so, these are the question that are important to the public, and they must know.

5.00 p.m.

A next item that came to mind was the delay in the scrap iron Bill. Again, in the Sunday *Newsday* of February 2023, we note this delay being apparent. A third example—

Sen. Dr. Browne: Mr. Vice-President, Standing Order 46(1). This cannot be taken ad nauseam, because he is bringing—the Member is bringing irrelevant examples into the debate.

Mr. Vice-President: Senator, your point of—the point you are making has already been noted, when it comes to delays. Upholding the relevance Standing Order.

Sen. D. Smith: Noted, Mr. Vice-President, and the noted opposition on the other side. Sometimes the truth can be a hard pill to swallow, but I move on.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Senator, you referred to the other Bench as the Opposition—

Hon. Senators: [*Laughter*]

Mr. Vice-President:—as opposed to the opposing side, stand corrected, please.

Sen. D. Smith: Thank you, Mr. Vice-President. I do—I will make better attempts to address sufficiently and properly. But the point I am making is that, as I said before, there is a pattern of delaying activity and this is not specific to this very important piece of proposed legislation. It is not related to any specific Motion but in fact, throughout a wide history, if one were to peruse all forms of literature, you can see delay in the tapestry of the activity of those across. And so, Mr. Vice-President, when we look at delay, again if you would recall my opening statements, delay is an enemy of the democratic process. And I would urge my fellow Senators to not suggest that they cannot, but that they can in fact support a piece of legislation or proposed legislation, a Motion that is in fact, quite pertinent, quite relevant, and has been on the wayside for way too long. Three months is more than sufficient time, given that they have already had four-plus years to peruse the relevant material to come up and face the music, so to speak.

Mr. Vice-President: Senator, your time has ended for your contribution.

Sen. D. Smith: Okay. Thank you so much. Have a great day.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. The Hon. Randall Mitchell, Minister of Tourism, Culture and the Arts.

Hon. Senators: [*Desk thumping*]

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Mr. Vice-President. Mr. Vice-President, it is a privilege for me to stand here and be able to make a few remarks on this Motion before the House. And, Mr. Vice-President, I would too like to start off where the hon. Attorney General started off, in indicating that I too am new to the concept of parliamentary autonomy, certainly behind the hon. Sen. Mark who has been a Member of many Parliaments but relative to this Motion, the Tenth Parliament as the Speaker of the House, the Eleventh Parliament as a Senator and this Twelfth Parliament where this matter has again been raised.

Mr. Vice-President, having now come face to face with this concept of parliamentary autonomy, I believe that it is in my right as a Senator of this place to exercise my own judgment and I also believe that it is the right of this Senate Bench, under the Leader of Government Business, we exercise our own judgment in determining the benefits, the pros and the cons and the concept of parliamentary autonomy.

I would respond to the hon. Senator who spoke before me, Sen. Dominic Smith, indicating that perhaps Sen. Wade Mark may feel as though he has lost his mind. Perhaps Sen. Mark or, Sen. Lutchmedial, I have the greatest respect for Sen. Lutchmedial, should educate the opposite Bench, the Bench—the Opposition's Bench, on how the Parliament operates. Those matters that were agreed to, unanimously approved, as they say, in the Eleventh Parliament, are not necessarily

relevant to the Twelfth Parliament, which is why the hon. Sen. Mark has had to re-put his Motion to this House for another round of consideration. That is the first point. The Eleventh Parliament as it has been dissolved, matters dissolved with it unless, of course, there is a process—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—by which matters are saved. And they speak to this resolution with unanimity in 2018 and, of course, they just brush on the Motion on the adjournment brought by hon. Sen. Mark, where the Attorney General, the then Attorney General, indicated to Sen. Mark that while the resolution was passed on further and detailed consideration, these matters are complicated, they are complex and they touch on very serious constitutional matters.

So we are here today. And, Mr. Vice-President, Sen. Smith and Sen. Lyder were way off the mark with respect to the matter that is before the Senate that is parliamentary autonomy. I felt as though I was back in year one of the LLB learning about constitutional law and the separation of powers. But we are not really dealing with the separation of powers per se, it is a part of the Motion, but that is not what we are dealing with. So let us leave aside the Judiciary because we are not speaking about the Judiciary as one of the arms of state.

We recognize on this side, that it is ideal, as we learn from the jurists, as we learn in jurisprudence, as we learn in constitutional law, we recognize that it is ideal for there to be a separation of powers between the Executive and the Legislature. But in the very next paragraphs, in those same constitutional texts, we also learn that there is necessary overlap between the Executive and the Legislature that must occur. The Executive is drawn from Members of the Legislature. There is that necessary overlap but that overlap, of course, we respectfully submit and accept, must not interfere with the independence of those both arms of state. We

have heard so far from Sen. Mark, from Sen. Lyder, and from Sen. Smith. We have heard a lot. They have all spoken for their maximum time. But what we have not heard is what is the problem, what is the issue, or what is the mischief that we have experienced in here as being part of the Legislature that blurs the line of the separation between the Executive and the Legislature?

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: What is that mischief, that to cure that mischief, we need a Bill introducing parliamentary autonomy? What is the problem that we are occurring, or that this Parliament has incurred or experienced, rather, over the last decades that necessitates us now to introduce a Bill creating parliamentary authority? We have no problem if there is a problem in approving, in agreeing to introduce a Bill to a JSC for consideration. Of course, Sen. Sagrarsingh-Sooklal is correct there is a process before introducing a Bill to Parliament and that process involves large-scale consultation, policy creation, consideration of the Executive and an introduction into the Houses of Parliament.

So in short, Mr. Vice-President, I have always learned and understood that being a part of the Legislature, and the introduction and the passage of legislation involves some problem or some issue, some mischief in society, that that legislation and its passage and its operationalization will cure, and we have not heard that. We have heard Sen. Mark hypothesize all over the place. We have heard—well, Sen. Lyder and Sen. Smith were completely off the mark. They gave us a treatise in the separation of powers, they did not try to pronounce the word “Montesquieu” but they went down the road with the separation of powers, not understanding this Bill simply is attempting to move us away from a departmental model of Parliament to a commission model of Parliament. It is as simple as that. There is no issue of the separation of powers. And please, Sen. Smith, Sen. Lyder,

Sen. Mark, do not attempt to lecture us on the UK and on the UK's Parliament. The UK's Constitution is unwritten. In the UK, Parliament is supreme. There is parliamentary sovereignty and supremacy in the same constitutional books, you will understand that. Here in Trinidad and Tobago, we enjoy constitutional supremacy. Our Constitution is supreme and if you take the time to peruse the Constitution, you will see very well and adequately set out separation of powers between all the arms of state and all the independent offices, if you will take the time.

Mr. Vice-President, I will also not allow myself to be reproached by Sen. Mark or anyone on his Bench on the position taken by a former PNM Senate Bench in a former Parliament. I am not a rubber stamp and we in this Parliament, we are no rubber stamps—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—especially, Mr. Vice-President, when there are serious constitutional issues and matters at stake.

5.15 p.m.

These matters, as simple as Sen. Mark makes it sounds, have serious impact and touch and concern on our supreme law, and I will not accept any invitation by Sen. Mark or the Opposition Bench to tinker with our Constitution.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And I certainly will not be reproached by Sen. Mark or anybody in his party—the party to which he belongs or the Opposition—to be reproached, when it is Sen. Mark's party who is most notorious throughout the region's jurisprudence and the region's political discourse, for backtracking on national policy positions first raised and championed by them.

Hon. Members: [*Desk thumping*]

Sen. The Hon. R. Mitchell: Mr. Vice-President, I only learnt of the word “renege”. I did not know about the word “renege”. I only learnt about the word “renege” when the UNC was in office in the '90s, and they were the ones who were central to the establishment of the Caribbean Court of Justice. And as soon as they were out of office—they were the ones who championed it, you know. They invited them to make their headquarters here in Port of Spain and as soon as they were out of office—in 2002, as soon as they lost office, they reneged. So I will not be reproached by Sen. Mark. This is a totally different matter.

So, Mr. Vice-President, Sen. Sagrarsingh-Sooklal—and let me say as well, I adopt the contribution of the hon. Attorney General, but Sen. Sagrarsingh-Sooklal said something in passing, which I would adopt as the theme of my contribution here today, and that is simply, “If it is not broken, why fix it?” What are the problems? What are the issues? If it is not broken, why go tinkering with the Constitution?

Mr. Vice-President, these are matters that simply cannot be dealt with by “vaps”. It cannot be dealt with by a simple Private Members’ Motion, without that deep thought, consideration and wide consultation that this concept of parliamentary autonomy demands. Parliamentary autonomy represents quite a fundamental shift in the way we have arranged ourselves by virtue of our supreme law of the Constitution over the last decades, since 1962; a fundamental shift in the administration of our Parliament.

And our Parliament, I dare say, Mr. Vice-President, has operated for decades without any issue. But the mover of the Motion, who I would affectionately call, the lone ranger in the matter, he is behind making this fundamental shift. And it appears as though somewhere in 2013 or 2014, Sen. Mark woke up one morning, and it was probably after some parliamentary conference or something that he went

to, as Speaker of the House, and somebody sold him this thing, “Ay, your Constitution is bad. What you need is Latimer Principles and constitutional and parliamentary autonomy. That is what you need.” And it appears as though he just woke up one morning, after decades that this Parliament has operated at an exceptional and high standard, and he decides, we need parliamentary autonomy.

So, Sen. Mark, as the lone ranger, if you look at the antecedent of this matter and we trace this matter back to the Joint Select Committee that was created to consider the Bill, here is what you would see. Not even going into the meat of the matter, you would see that the Committee was comprised of 10 members. That is at paragraph 4 of the Joint Select Committee appointed to consider the Legislative Proposal entitled “The Draft Houses of Parliament Service Authority Bill, 2014”. At paragraph four, you see the Committee members. At paragraph 5, it tells you that:

“On March 3...Mr. Garvin Nicholas, Mrs. Raziah Ahmed and Mr. Brent Sancho”—well Sanko or Sancho—“replaced Mr. Anand Ramlogan, SC, Mr. Emmanuel George, Mr. Timothy Hamel-Smith as Members of the Committee.”

At paragraph 9, you will note, the Committee met five times, five times. A matter that will create a fundamental tectonic shift in our constitutional arrangements, this Committee met five times. But, Mr. Vice-President, if you go, which is somewhere that I like to go, into the attendance record, Mr. Wade Mark, commendably, he has been present for all the meetings. Anand Ramlogan SC, first meeting, absent; second meeting, present; third meeting, absent; fourth meeting, absent; fifth meeting, I think he got himself into trouble, he was replaced. Mr. Garvin Nicholas, who would have been selected as the replacement Attorney General, fifth meeting, absent. And if you examine the attendance record, Mr.

Vice-President, most of the members, it appears, on this first glance, were present 25 per cent of the time—one meeting out of all five, most of the members.

When you go to the persons who signed off on the recommendations, you would see the absence of a signature by Mrs. Nela Khan. I believe Mrs. Nela Khan was a member of the UNC. Ms. Marlene Mc Donald and Mr. Colm Imbert did not sign. Mr. Garvin Nicholas signed, but he never attended any meetings, so did Mr. Brent Sancho. What were the recommendations? The recommendations were:

“Your Committee recommends that Parliament take note of the progress made by the Committee thus far, including the adoption of the Policy on Parliamentary Autonomy.”

Mr. Vice-President, such an important and serious matter, the Committee met five times, and hardly any of the members of the Committee attended the meetings, including members of Sen. Mark’s own party. What does that tell you, through you, Mr. Vice-President? What does that tell you? Not even the UNC, the main political party within the People’s Partnership, was in favour of parliamentary autonomy. Not even the UNC was in favour, and then the Bill lapsed.

Why did you not introduce it to the Parliament and have the debate started? Perhaps the Bill may have been saved. What does that tell you? It tells you and me that not even your colleagues, Sen. Mark, were interested in this. And the committee only met two people, you know, Mr. Vice-President: Ms. Stephanie Lewis, Chief Personnel Officer, and Mr. Beresford Riley, Deputy Chief Personnel Officer. And, of course, they received written submissions from the Ministry of Public Utilities and a number of other agencies within the Government make up. But that tells me that not even the UNC is interested in parliamentary autonomy.

Sen. Mark also in his contribution—and Sen. Sagrarsingh-Sooklal dealt

with it somewhat about the PNM Manifesto, and Sen. Smith attempted to raise the issue, yet again. Sen. Lyder totally confused the matter of the general accounting office with parliamentary autonomy and he was off the mark. But on page 20, “Budgetary Reform”, it states that the PNM Government—this is the PNM’s Manifesto, the PNM Government is committed to the following reforms:

“Providing the Judiciary and the Parliament with the authority to manage their approved appropriations...”

Mr. Vice-President, where do you get approved appropriations? You get approved appropriations following the passage of the Appropriation Bill, following the budget cycle, following the budgeting process. That is where you get your approved appropriations.

“...including instituting their own procurement for goods, services and capital expenditure consistent with the overarching procurement legislation and accountability to Parliament.”

That is what we have done. The Parliament is responsible for the procurement of its own goods and services, capital expenditure. And, of course, Sen. Sagrainsingh-Sooklall spoke about the impending proclamation of the procurement legislation. Who do you think orders the food from downstairs? You think it is the Executive who does that? It is the Parliament who does that. We have provided, Mr. Vice-President, adequate financial resources and other resources to support both the Judiciary and the Parliament. We have given them all the tools to function efficiently and effectively.

And with respect to the Parliament, not only has the Parliament been given the financial resources required, also the human resources required by way of the contract positions needed to efficiently and effectively run the Parliament, but it is this Government, Mr. Vice-President, who placed resources to ensure that the

Parliament returned to its rightful estate here at the Red House, after considerable failure by the former government to do so, and no longer are we on a floor at the Waterfront. We are in our rightful place at the parliamentary estate.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: So, Mr. Vice-President, we have a departmental model of Parliament. The Parliament has its own Head of Expenditure, as explained. The Parliament has its own accounting officer. The Parliament can recruit its own human resources and the Parliament can incur its own expenditure, and there has been no problem or no issue where that is concerned.

5.30 p.m.

So again, Sen. Mark in his contribution attempted to support his Motion with a number of “what ifs”, a number of hypotheses about scenarios and circumstances where things can go wrong and where our democracy can be undermined. So here is what Sen. Mark has said, and this is on page 78 of his *Hansard*, and I quote:

“...I want to say to this honourable House, that for democracy, for Parliament to be strong—if Parliament is not strong, if Parliament is not independent, if Parliament is not autonomous, democracy will be undermined. Democracy will be subverted. Democracy will be compromised.”

Now, that was a little slippery there by Sen. Mark. We accept, and it is true, that if Parliament is weak, if Parliament is not independent, democracy can be undermined and can be comprised. But it is not true to say that democracy will be comprised, subverted or undermined if the Parliament is not autonomous.

There are a few Parliaments that are autonomous or that have some level of parliamentary autonomy in the Commonwealth but not all, Mr. Vice-President, and certainly not the majority. So are we to deduce here, by Sen. Mark’s arguments,

that those Parliaments that are departmental in nature, that do not enjoy full parliamentary authority and autonomy, are weak, undemocratic and in danger? Are we to accept that? Is that the converse of your argument? We cannot accept that. The argument is certainly and simply not true. And we are a young democracy. They are constantly raising the spectre of the UK Parliament. I cannot even remember how old the UK Parliament is, certainly over 200 or 300 years. And other democracies that you see parliamentary autonomy in would be democracies such as Canada, New Zealand and Australia, way more mature and much older democracies than ours. And I can say, and I agree, we punch far above our weight in terms of the maintenance—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—of our own democracy here in Trinidad and Tobago.

[MR. PRESIDENT *in the Chair*]

So, Mr. President, as you take your seat, Sen. Mark, he went on to describe what this parliamentary autonomy means, what it should look like, as defined by the JSC report on the consideration of “The Draft Houses of Parliament Service Authority Bill, 2014”. And again, notwithstanding those definitions and all the benefits of the Latimer Principles on parliamentary autonomy, Sen. Mark still has not identified any problems to be solved, to be cured by the adoption of these Bills and the creation of parliamentary autonomy. Sen. Mark speaks to some basic requirements. He indicates that the Parliament, at one:

“Parliament should be serviced by a professional staff independent of the public service”.

Now, Mr. President, I cannot speak to the human resource structure of the Parliament; I cannot speak to the number of established permanent and pensionable positions, nor which of those positions have bodies in them, nor can I speak to the

number in comparison of contract positions on the Parliament structure, but I know that there are a considerable number of contract positions made available to the Parliament. And of those contract positions, those positions are filled by the recruitment processes that occur within the Parliament; not without, within the Parliament. And I agree with Sen. Mark because he is making the point but also saying that he is in full praise of the professionalism and of the quality and the standard of the parliamentary staff, and I totally agree with him. In my view, and I have entered this place since 2015, and it was totally amazing and quite refreshing for me to experience a public institution run so efficiently and so effectively. I am completely impressed with the Parliament—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—and their professional staff. They are independent, they are professional, they are bright, they maintain very high standards, so there is no problem there as it pertains to parliamentary autonomy.

The Parliament is responsible, as I said, for procurement of its own goods and services, so I do not see what the issue is. What is the problem that we are supposed to cure with this parliamentary autonomy business? If it is not broke, why attempt to fix it?

Another issue that Sen. Mark raised was the issue of adequate resources.

“Adequate resources should be provided to government and non-government backbenchers in order to improve parliamentary impact that should include the provision of:

- i. Training for new members;
- ii. Secretarial, office, library...research facilities;
- iii. Drafting assistance...”—et cetera.

Mr. President, when I entered this place in 2015, I was taken around for a tour of

the parliamentary estate and I was made to and I subjected myself to a number of the parliamentary training sessions for new Members that were held in 2015.

I do not know about Members opposite but I went through those sessions. And this business about assistance and aids that should be provided, Mr. President, I do not want to be very unfair and I do not want to continue this unfairness to the parliamentary staff, because I will remind all Members of this House, including those on the Opposition Bench, of this thing that comes into your email that you may click on as an attachment called, “Bill Essentials”, prior to the debate of many pieces of legislation, and those Bill Essentials are prepared for by the Parliament staff. The research to assist Members in debating legislation is provided for in that Bill Essentials and provided to Members by Parliament staff.

If you speak to—perhaps you, Mr. President, certainly the Speaker in the other place, and I know Sen. Mark knows this, in other Parliaments in the region, in other Parliaments across the Commonwealth, they consider Members of our Parliament to be spoilt by the Parliament staff because we are given all the tools necessary to provide coherent—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—and appropriate contribution to the passage of legislation in this country. So let us not be unfair. More than that, we have a whole library with “plenty, plenty books” by “plenty, plenty authorities”, where if you would simply venture, you would find librarians, library staff very much willing to assist you in any type of research that you are required to.

I am certain—I would not call names, but I am certain that there are professional Members of these Houses of Parliament who use the library to pursue their own professional pursuits; so complete is the library.

Mr. President: Minister, you have three more minutes.

Sen. The Hon. R. Mitchell: Mr. Vice-President, I thank you. I thank you, Vice-Mr. President—Mr. President. And, Mr. President, if I pull out my phone, I could click two buttons and I will get the whole *Erskine May* on my phone and that is provided for by the Parliament; the whole *Erskine May* book on my phone, and Sen. Mark has that too, and all Members are entitled to that.

Mr. President, we were given an iPad. Mr. President, that iPad was not to play games. It was not to play Angry Birds. That iPad is a database to all—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—the parliamentary debates, all the reports by agencies, Ministries, departments, going back decades. Our proceedings are televised live and you can simply go back onto YouTube and listen to Members, some ad nauseam. Those resources are provided, so I do not understand what is this thing about “inadequate resources”. And, Mr. President, the COVID-19 pandemic was a clear issue of how adept and quick the Parliament was in marshalling those resources to treat with the COVID-19 pandemic. We have a website where you could go and find out anything about anything in this place, so I reject that, Mr. President.

The other thing—and very quickly, in one minute, I would say—this thing about the Parliament being responsible for its own budget, I do not understand it. But from my reading of what Sen. Mark has said, if there is a commission comprised of a committee of members to provide the estimates and those estimates must go for a debate of the Parliament, the Executive has the majority in the Parliament and therefore, the Executive will still control whether the estimates go forward or not in principle, so it really does not make sense.

Mr. President, I reject this Motion at this time. These are very important constitutional matters and they must be dealt with in a very serious way with wide

consultation. I will not be a part of tinkering with our Constitution. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Lutchmedial.

Hon. Senators: [*Desk thumping*]

5.45 p.m.

Sen. Jayanti Lutchmedial: Thank you very much, Mr. President, for the opportunity to contribute to this debate today on this very important matter brought by Sen. Wade Mark.

It is important for us to understand two things that we are discussing today. We are here, yes, and I think everyone has focused, and I think everyone is in agreement that it is very important to the concept of separation of powers that we have parliamentary autonomy. No one has stood in this debate, either on the last day or today, to dispute how important it is to have independent, strong independent institutions, because it is fundamental to our democracy. So we are discussing that issue on the one hand, but we are also discussing the wilful neglect, or failure, or disregard of the present administration when it comes to decisions taken by this Senate, and that is also equally important here today that we focus on.

Because, you see, the work of the Parliament will be of no value to the people who put us here to represent them, if decisions are taken, if we take a vote on a particular subject matter, and year after year a matter is raised, commitments are given, and those commitments are not honoured. So we are not just discussing how important parliamentary autonomy is, and whether we have a problem or we “doh” have a problem, or what the financial autonomy of the Parliament should

look like, and whether budgeting is working or it is not working. But we will just also have to look at whether or not it is important to hold a government to account, and that at the end of the day is the purpose of a Parliament. So Sen. Mark's Motion goes beyond just calling for parliamentary autonomy. It is also calling for the Government to answer an important question.

So I do not find it appropriate for Members opposite to try to minimize and to try to trivialize this Motion, because this is part of the process where we ask for answers. And we ask them to explain why, since 2016, when this matter was first raised and decisions were taken; why, since 2019, when it was raised again and the then Attorney General gave an undertaking to produce, as he called it, the "work product" required, that nothing has materialized to date? So we have to understand the importance of this Motion in that particular context.

Mr. President, the separation of powers is a key constitutional concept and a cornerstone of our democracy. I listened to the Member opposite, who spoke before me, talking about constitutional supremacy, and that it is not just something—that you do not just tinker with the Constitution, and it is so important, et cetera. That is exactly why it is important to bring the reforms necessary to give parliamentary autonomy, because our Constitution is supreme, and part of our job and part of the desire of every person who sits in this Chamber, and who represent the people of Trinidad and Tobago, is to give life to our Constitution.

How can you resist or trivialize, or say, well, it is not a problem—what?—"if it not broke don't fix it". That has to be the most—I mean, I cannot believe—I also have some—I was shocked to hear a statement like that come from a Member

of the Government of Trinidad and Tobago; “If it eh broke don’t fix it”. You know, that is really part of everything that is wrong with this country. We are reactive and not proactive.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: So you want to wait until there is a problem. You want to wait until something happens and you have a next government, whether it is your Government, another, the Opposition, any government—you want to wait until there is a problem where the Parliament has an issue with budgeting or access to resources, or some other issue arises to fix it? This is a problem with this particular administration. They are interested in being in government, but they are not interested in governance. Part of governance is that you must take initiative.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: You must take initiative to build our democracy. I again listened to the Member who spoke before me from the Government Bench, the hon. Minister of Tourism, Culture and the Arts who indicated about us being a young democracy. Parliamentary autonomy exists in democracies which are only about 15 years older than us. It is recognized and built into their Constitution. I will give you the example of India. Go and look at their Constitution. They recognize that need for parliamentary autonomy. But you know what is more important? That the more mature democracies, who are part of the Commonwealth, who have parliamentary systems kind of similar to ours, who recognize the concept of separation of powers, who all model themselves after the Westminster model, such as New Zealand and other countries, they have passed

legislation to give effect to parliamentary autonomy. So the wheel does not necessarily have to be reinvented. Examples exist everywhere around the world.

I am not saying we just adopt a model somewhere else. Of course, we have to make it work for us, but there are examples everywhere, and this concept of parliamentary autonomy is something that is studied. We have the Commonwealth Parliamentary Association, for example, which I think since 2005, and even before that, I have seen papers and publications from them dealing with this issue.

So the fact that the Government came here today and, you know, not one good reason—not one good reason, as to why we have not seen any action on this matter has been put forward today from any single speaker from the Government side.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: They come here and say, “Well, it is not something yuh just tinker with. It is not something that is just so easy. It complicated.” Listen, everything that you do when you are in power, when you are a government, is supposed to be hard. Remember, “We in charge now”? “You in charge.” You are in charge. Take charge of the affairs of the country.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: And this is one of the important matters to this country. It is important to our democracy. The Government, like many other areas, deflects from the real issue, and the real issue here is they simply have not done the work. My colleague, Sen. John, is famous for telling us sometimes, “Listen, you just do the work. You have to do the work.” And that is what I think we simply need to

tell the Government today. Go back and leave this place, and do the work.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: Do the work that is necessary to give life to a fundamental concept embedded in our Constitution. Do not simply pass it aside, as though it is not pressing and it is not urgent. But it seems as though—you see, it is like we wait until flood waters rise, “Oh, lewwe go and dredge that river down de road there.” That is how they operate, and that is exactly how they are operating now. “Dey waiting until de flood come to dredge de river. Dey waiting until de problem arise.”

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: So unless the problem arises, we cannot get any work. You cannot get any work on this matter out of this particular administration. The floodwaters have to rise. Even Noah built the ark before the floods came, but not this administration.

Hon. Senators: [*Laughter*]

Sen. J. Lutchmedial: Mr. President, one of the—and I will refer to one of the papers that I talked about, produced by the Commonwealth Parliamentary Association, titled, “Administration and Financing of Parliaments”. They recognized—it was out of a research paper. They examined a number of different Parliaments around the world. I see as soon as I start talking about “flood”, the Minister of Works and Transport returned. I think he got worried. And they talked about particularly the financial autonomy.

In this one simple statement—one simple statement—in this 32-page

document, this one simple statement stood out to me, and it is all the justification that I think is needed in order to say why we should demand action on this matter. It is this, and I quote with your leave from page 3 of this document:

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

I did not say it. “The UNC not saying it.” The Commonwealth Parliamentary Association places this in their research paper, after examining Parliaments around the world. And that one simple statement, Mr. President, should—should motivate every single Member of this House to get up and do the work. Whether it is through a JSC, if we need to send it back, or whatever has to be done, I believe that the justification is certainly there. Not to wait until “de flood come” to dredge the river, do it now, before there is any sort of problem with the independence of our Parliament.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: Mr. President, I want to address a couple of things raised as well by certain Members on the other side, as well as the Member who spoke before me. Well, there is no issue with the staff of the Parliament, and the staff of the Parliament do their work, et cetera. Nobody ever said there was an issue. I commend the staff of the Parliament.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: And I agree with the Minister of Tourism, Culture and the Arts, that having come out of the public service, I too was quite surprised and

pleased when I joined the Parliament here, to see the level of professionalism, integrity and commitment to duty that we see here in the Parliament. Referring to those things, and saying that there is no issue with the staff, is again an attempt at deflection by the Government for simply having no good reason for not treating with this matter.

You see, they are trying to say that the UNC has a problem with how the Parliament is run. That is not the point, but missing the point seems to be an art form for this Government. They are missing the point and trying to create the perception that we are somehow being critical of the way the Parliament is run. Nothing could be further from the truth, absolutely nothing.

We are quite pleased with the service we get from the existing parliamentary staff, but is that to say that it cannot be better? Is that to say that if there was not a better model for budgeting and financial autonomy in the Parliament, that a higher level of service cannot be provided to all parliamentarians? Again, this is the lazy man approach.

Hon. Senators: [*Desk thumping*] Lazy, lazy.

Sen. J. Lutchmedial: “Well, nuttin wrong. Everything running good. Wha is allyuh problem? Allyuh have a problem with de staff.” No, laziness, it is laziness.

The other thing I want to address raised by the hon. Minister of Tourism, Culture and the Arts, is that this Parliament is not bound by the work of a previous Parliament. Yes, we are aware of that. We are aware of that. And the hon. Minister does not want to be wedded to a position or a commitment given by the former Attorney General. Now, that I cannot blame him for. I would not want to

be bound by anything said by the former Attorney General either.

Hon. Senators: [*Laughter and desk thumping*]

Sen. J. Lutchmedial: I think that is why “former” goes before his title now. But, certainly, belonging to the same political party, having persons who still form part of your Government, being the ones who would have stood here and given certain commitments, I would like to think that the Minister could bring a better argument than that.

The Minister’s excuse, part of the excuse he has brought for this matter not receiving attention from the administration that has been in power for the last eight years, is the fact that, “Well, we not really bound by something that happened in the Eleventh Parliament.” Who was in charge in the Eleventh Parliament? Who had the power in 2016, in 2017, in 2018 and in 2019 when it was given? You all speak about the Eleventh Parliament and what took place between 2015 and 2020, as though that is somebody else and “allyuh doh know dem people”. I honestly feel sometimes that you all do not know the people who were in charge in those five years.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: Because it is like you separate yourself entirely from all of the failures that occurred during that period of time, and it is like, “We have a clean slate from 2020, so is a new set of failures now.”

6.00 p.m.

Let us just not—I mean, that really passes for, you know—I would characterise it as a very lame excuse. That is a lame excuse. The fact of the matter is, a Member of your Government stood here and gave an undertaking and if not

bound by procedure, I think you are bound by ethics and morals and decency to at least—

Hon. Senator: [*Interruption*]

Sen. J. Lutchmedial: I do not mean the Minister personally. I mean the entire Government. The Government is bound so stick to what they have said and what they have given—the undertaking that they have given. You could have 10 elections, you are still in power, you are still—

ADJOURNMENT

The Minister of CARICOM and Foreign Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, I beg to move that this Senate do now adjourn to Tuesday, May 02, 2023, at 1.30p.m., at which time the Government will move to debate the Motion No. 1 under Government Business on the Order Paper.

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

Hon. Senators: [*Desk thumping*]

Clico and Methanol Holdings International Limited (Sale of Shares)

Sen. Wade Mark: Thank you very much, Mr. President. Mr. President, I wish to raise a matter of public interest and it really deals with the sale of 36.63 per cent of the Clico shares in a plant in Oman called the Methanol Holdings International Limited.

Mr. President, on page 148 of the separate financial statements of Clico Trinidad and Tobago Limited ending the 31 December, 2022, and reproduced on its website, as well a condensed summary of same published in the *Trinidad Guardian*, dated Sunday, April 02, 2023, on pages 25 to 40, there is an item in the

report under what is called item 43 titled, Events After the Reporting Date. And it says and I quote:

To ensure compliance with regulatory requirements, Clico has embarked on the process to sell the portion which is 36.63 per cent of its MHIL shares which totals 56.3 per cent outside regulations.

Now, Mr. President, section 87 of the Insurance Act, which was proclaimed on the 1st of January, 2021, compels Clico to sell its shares because under that law it can only retain 19.9 per cent of its 56.3 per cent shareholding in Methanol Holdings International Limited.

So there are some questions that would have arisen that the people of Trinidad and Tobago, who are owners of 49 per cent of Clico and 14.3 per cent of CL Financial, the following questions we wish to ask on behalf of the people: What was that price the two parties, Clico and the Proman Group, have agreed for the sale of our 36.63 per cent shares? Is there a deadline by which this process is to be concluded by the Proman Group? We need clarification and answers. Was the final price of sale of Clico, 36.63 per cent, determined or arrived at in the public interest? Was an independent third-party valuation of the fair market value of the 36.63 per cent shareholding of Clico—right?—to Proman used to arrive at a final price? If so, when was this independent valuation completed? Mr. President, was an in-house or internal valuation done by the management of Clico as outlined on page 71 of the report of 2022? Was the in-house valuation used to guide the final value of Clico's 36.3 per cent shareholding? If an in-house valuation was used by Clico, who instructed the management to do so?

Mr. President, the people would like to know: How many valuations have been used to determine the fair market value of Clico's 36.63 per cent shareholding? Was it one valuation? Was it two valuations? Was it three

valuations? We do not know. We need to know. What was the valuation method or technique used to arrive at an agreed price? Mr. President, we need to know what method was used and employed. The Minister in the Ministry of Finance, who is here with us today, is on record on the 14th of November indicating to Trinidad and Tobago that an independent valuation would be conducted, would be incorporated in the 2022 Clico report. That was not to be.

Mr. President, the people are worried. The people would like to know what is the dollar value of the Methanol Holdings International Limited plant located in Oman? We understand that plant is valued at US \$1.5 billion. We need answers? Is the Minister aware that the taxpayers of this country own 49 per cent of the shares in Clico and some 14.3 per cent in the CL Financial, making Clico a virtual state enterprise? Mr. President, from 2018 to 2022, would you believe that there were five qualified auditors' opinion on this particular company called Methanol Holdings?

Mr. President: Senator, you have two more minutes.

Sen. W. Mark: Why we had five different qualified opinions? And you know why, Mr. President? Because the management of Clico under Claire Gomez-Miller and her team denied the auditors the right to look at the working papers to determine the value of Methanol Holdings. Why did Claire Gomez-Miller deny these, the auditors, the right? KPMG. Mr. President, these matter are very serious and we are calling on the Government to come clean and tell Trinidad and Tobago what has happened to the shares of Clico. Is it continuing the negotiation? Has it been aborted? These are matters that the country needs to know because we are being told, Mr. President, in closing, that they have valued our 56.3 per cent shares at US \$377 million, when it should be over US \$600 million.

So we want to get answers from the Government on behalf the people. And this is why, Mr. President, I have raised this matter today because Clico is like a state enterprise owned by the people of Trinidad and Tobago; 49 per cent owned by the people, Clico; and 14.3 per cent in CL Financial. So, Mr. President, I await the Government's response to peoples' concern about the sale of 36.63 per cent to Methanol Holdings International Limited to the Proman Group. We would like to know what is the state of play with this 36.6 per cent or 3 per cent of Clico Holdings? Mr. President, I thank you for giving me the opportunity.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister in the Ministry of Finance.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Finance (Hon. Brian Manning): Thank you, Mr. President. Mr. President, with respect to this matter, Colonial Life Insurance Company (Trinidad) Limited, or Clico, has advised the Ministry of Finance as follows. On November 02, 2021, Clico, which was under the supervision of the Central Bank at the time, and Clico Energy Limited, or CEL, entered into a joint share valuation agreement to conduct an independent valuation of the shares of Methanol Holdings International Limited or MHIL.

It was agreed that Clico's offer for sale of MHIL shares will be a maximum of 36.63 per cent and a minimum of 16 per cent, MHIL shareholding, and that any offered shares not taken up by CEL will be offered to the Government of the Republic of Trinidad and Tobago for debt reduction. And any remaining shares thereafter will be offered to a non-competitive third party. The maximum offer of 36.63 per cent shareholding was sufficient to cover the outstanding debt owed to the Government of the Republic of Trinidad and Tobago, whilst allowing Clico to retain the maximum percentage holding permitted by the Insurance Act of 2018,

which is 20 per cent. Clico offered the 36.63 per cent MHIL shareholding to CEL by a letter dated November 01, 2022. In accordance with the share valuation agreement and the independent valuation report, CL responded to Clico's offer with counter-offers as the quantities, price and conditions were all outside of the share valuation agreement and offer made to them. Hence, CEL's response was deemed by Clico as a rejection of its offer.

On January 09, 2023, the Government of the Republic of Trinidad and Tobago accepted an offer from Clico of 19.63 per cent of Clico's 36.63 per cent shareholding in MHIL at the valuation price as part of the reduction of its debt owed to the Government of the Republic of Trinidad and Tobago.

On February 21, 2023, the National Investment Fund Holding Company Limited, or NIF, accepted an offer from Clico at the valuation price of the remaining 17 per cent shareholding. To date, Clico has signed share acquisition agreements and share transfer forms with the Government of the Republic of Trinidad and Tobago and NIF, but the share register of MHIL has not yet been amended to reflect the transfers.

In response to the specific wording of the matter on the Motion for the Adjournment, Clico has advised that to date none of the shares held by Clico in MHIL have been sold to the Proman Group. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.15 p.m.