

**SENATE***Tuesday, May 23, 2023*

The Senate met at 1.30 p.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**PAPER LAID**

Annual Report of the Telecommunications Authority of Trinidad and Tobago for the period 2019-2020. [*The Minister of Digital Transformation (Sen. The Hon. Hassel Bacchus)*]

**URGENT QUESTIONS**

**Status of Local Government Councillors and Aldermen  
(Measures Taken to Address)**

**Sen. Dr. Paul Richards:** Good afternoon, colleagues. Thank you, Mr. President. To the Attorney General: Given the Privy Council judgment and subsequent concerns of Local Government Councillors and Aldermen as regard their status, what measures are being taken by the Government to address this issue?

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much, Mr. President. In answer to the question asked, this matter will be addressed tomorrow in the House of Representatives by the hon. Prime Minister.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Sen. Dr. Richards.

**Sen. Dr. Richards:** Thank you, Mr. President. To hon. Attorney General and Minister of Legal Affairs: Is the Government concerned about decisions taken and actions undertaken by the councillors and aldermen under the present condition since the Privy Council ruling as lawful?

**Mr. President:** Attorney General and Minister of Legal Affairs.

**UNREVISED**

**Sen. The Hon. R. Armour SC:** Thank you very much, Mr. President. In answer to the question, as I have said, this matter will be addressed tomorrow by the hon. Prime Minister in the House of Representatives. There is a well-known doctrine known as the doctrine of the de facto officer doctrine of great vintage going back to the 1730s established, by among others, the case of *Scadding v Lorant*, and that decision establishes that there is a validity in the actions of the officers who were duly elected and continued to be duly elected until the decision of the Privy Council. There is no cause for concern.

**Sen. Dr. Richards:** Thank you. Final question, through you, Mr. President: Even with the doctrine of necessity considered, does the Government intend to bring legislation to remedy any potential situation created by the actions subject to the decision of the Privy Council judgment last Thursday?

**Mr. President:** Attorney General and Minister of Legal Affairs.

**Sen. The Hon. R. Armour SC:** Thank you, Mr. President. As I have said in answer to the hon. Senator, this matter will be addressed by the hon. Prime Minister tomorrow in the House of Representatives.

**Mr. President:** Sen. Mark.

**Local Government Elections Postponement  
(Legal status of Regional Corporations' actions)**

**Sen. Wade Mark:** Thank you, Mr. President. To the Attorney General and Minister of Legal Affairs: Given the recent Privy Council ruling on the postponement of Local Government elections, can the Minister indicate what is the legal status of all decisions and actions taken by the regional corporations since December 02, 2022?

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much. Mr. President, with your leave, permit me to refer to the decision which I just referred to in an earlier question, the decision

of *Scadding v Lorant*, which states with respect to appointment of vestrymen who were not legally appointed but had continued in office over a considerable period of time, and this is what the court said dating back to 1851 House of Lords:

“With regard to the competence of the vestrymen, who were vestrymen de facto, but not vestrymen de jure...You will at once see...”—that—“...it would lead...”—to—“the validity of their acts, when in such office, depended upon the propriety of their election. It might tend, if doubts were cast upon them, to consequences of the most destructive kind. It would create uncertainty with respect to the obedience to the public officers, and it might also lead to the persons, instead of resorting to ordinary legal remedies to set right anything done by the officers, taking the law into their own hands.”

I think therefore that the principle laid down by the learned judges as the principle of law is one that is in conformity with public convenience with reference to this discharge of the duties connected with the office. The acts continue to be valid on the de facto doctrine of de facto officers. Thank you.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Can I ask, through you, Mr. President, to the Attorney General and Minister of Legal Affairs, can he indicate to the Parliament, to the Senate, what will happen to, let us say, contractors who have to collect garbage in various corporations given this recent ruling and given what you have just indicated?

**Mr. President:** Attorney General and Minister of Legal Affairs.

**Sen. The Hon. R. Armour SC:** Thank you very much, Mr. President. All questions coming out of the decision of the Privy Council, which was handed down on the 18<sup>th</sup> of May, 2023, will be addressed by the hon. Prime Minister tomorrow in the House of Representatives.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Can I ask the hon. Attorney General and Minister of Legal Affairs: Is the Government furthering its illegality with each passing day without informing this honourable House on the legal way forward? Can you clear the air for all the burgesses who are very concerned about this ruling by the Privy Council?

**Mr. President:** Attorney General and Minister of Legal Affairs.

**Sen. The Hon. R. Armour SC:** Thank you, Mr. President. Let me put out of the question immediately that the Government is not perpetuating any illegality. There is no illegality occurring.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** The Government has observed the Privy Council's decision dated the 18<sup>th</sup> of May, 2023. It intends to follow the law, as it always has and always will, and will take all actions according to law.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Thank you, Sen. Mark. Leader of Government Business.

### ANSWERS TO QUESTIONS

**The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne):** Thank you, Mr. President. There are three questions on the Order Paper for oral answer and the Government is prepared to respond to 100 per cent of those questions and the Ministers are present here today. Thank you, Mr. President.

### ORAL ANSWERS TO QUESTIONS

#### San Juan North Secondary School's Infrastructural Deficiencies (Measures Taken to Address)

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

In light of concerns expressed by teachers of the San Juan North Secondary School about infrastructural deficiencies in several classroom blocks, can the Minister outline the measures being taken to address these concerns?

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Mr. President. The Ministry of Education completed the following repairs at the San Juan North Secondary School in December 2022, which is almost five months ago: repairs to spoiling concrete and handrail retrofitting to block E and F, electrical repairs, cleaning and repair of guttering, replacement of floor tiles, burglar proofing to classrooms, relocation of the vent lines and encasement to the electrical panel box.

And additionally, these works were completed: block B: repairs to concrete roof and application of waterproofing. Block C: masonry works. Block E: repairs to the roof, replacement of the ceiling and associated electrical works. Block L: repairs to spoiling concrete and handrail retrofitting. Block P: repairs to the roof. To the hall: repairs to roof, replacement of the ceiling and associated electrical works. Remedial electrical works, minor roof and guttering works to block F. Painting to block L. And repair and replacement of the ceiling and eaves in block P. Thank you.

**Sen. Mark:** Mr. President, may I ask the hon. Minister: During that period when we had the challenges faced by this particular school, can the Minister indicate what measures were taken to ensure that students of that school would not be disadvantaged as a result of the situation that arose at the material time? Can you tell us whether any classes, any hours, were lost by students as a result of this development?

**Mr. President:** So, Sen. Mark, that is two questions. Which one are you asking?

**Sen. Mark:** Well, I am asking now, first of all, Mr. President, whether the

students suffered any losses of classes in terms of hours.

**Mr. President:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Mr. President. Once a school is under infrastructural repair and physical attendance is not possible, then the students will automatically have a disadvantage of not being able to be in the school. So what the Ministry does is mitigate this as much as possible by expediting the work and by allowing, in some cases, as happened in this case, a rotational schedule where the students, especially the examination students, come out every day and the other classes as much as possible, and also virtual classes for the teachers to address the students. So that was instituted at this school.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Mr. President, can I ask the hon. Minister: What measures are going to be taken to ensure, in terms of maintenance and preventative maintenance, let us say approach or policy, would be effected by the Ministry so that we do not have these instances occurring that would result in very precious time being lost by students? Is there a preventive maintenance policy?

**Mr. President:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Mr. President. One would wish that this would be the situation. However, we have many schools that are very old in Trinidad and Tobago. Most of our schools are over 40 years old, some of them over 50, some of the denominational secondary schools are even over 100 years old, and therefore you have every single day different schools presenting with problems that you cannot predict.

So while one may want to take a preventative approach, in most cases, we have to spend quite a lot of time and money fixing things that are presenting in emergency circumstances. So, at this time, that is the priority, to ensure that

whatever problems are coming up at schools that will prevent loss of teaching time, that we deal with those expeditiously. And we have quite a number of those, especially after the COVID experience where we had schools that were not occupied for up to two years, and therefore would not have been receiving the maintenance that would have been required if they were occupied at that time.

So, at this time, that is the focus of the Ministry, ensuring that where we have emergency circumstances, we take care of those so that the schools do not lose teaching and learning time.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Mr. President, may I ask a final question to the hon. Minister? Hon. Minister, in terms of the future, being futuristic, do you consider it appropriate for the Ministry to generate some kind of audit of the schools in our country, particularly as you have mentioned some of them are 40, 50 years, even 100 years old, in order, as far as possible, to take preventative measures to avoid any emergency situation occurring in the future?

**1.45 p.m.**

**Mr. President:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Mr. President. That has been done, and it continues to be upgraded as we go along in time. So we know at the schools what needs to be done, and as much as possible we will do what we can to prevent future circumstances from arising. But, of course, we are faced with the immediate day-to-day circumstances at numerous schools where you have emergency situations. And the funding available has to be applied to those to ensure that schools do not go down, and children lose teaching and learning time.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Hon. Minister, through the hon. President, if there is a formal audited

report or an audit report of schools, can you indicate whether it is possible to make such a report available to this honourable Senate.

**Mr. President:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Mr. President, that type of information, no, I am sorry, will not be made available. That is information that, number one, keeps being upgraded constantly, and it is also information that is very important for the continuous running of our schools, and we do not want that kind of sensitive information out in the public domain.

**Mr. President:** Sen. Mark.

**Brasso Venado Government Primary School  
(Lack of Classes and Displaced Students)**

**55.** In light of reports that there have been no classes at the Brasso Venado Government Primary school between November 2022 to January 2023, can the Minister indicate:

- (i) the reason(s) for the lack of regular classes being held at the school during the above stated period; and
- (ii) what arrangements, if any, have been put in place to temporarily accommodate displaced students?

**Mr. President:** Minister of Education.

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Mr. President. Mr. President, the Brasso Venado Government Primary School is located at 228 Brasso Venado Road via Tabaquite. The school has a population of 39 students, 19 of whom who reside outside of Brasso Venado. All eight members of staff, including the principal, also dwell outside of Brasso Venado. The adverse weather conditions, which were experienced in November 2022, caused major landslides and mudslides along the Telemaque Road and Brasso Tamana Road, leading to the Brasso Venado Government Primary school. Staff and students



were unable to navigate through the unsafe road conditions and this affected the operations of the school.

Internal arrangements were made toward the end of 2022 at the school, where some teachers volunteered to conduct virtual classes. Simultaneously, the Ministry of Education enlisted the assistance of the Ministry of Works and Transport, and the Ministry of Rural Development and Local Government to expedite the repairs to the landslides along the Telemaque Road and Brasso Tamana Road.

I am therefore pleased to announce that the major landslides were stabilized, and physical classes resumed at Brasso Venado Government Primary School on Monday, January 30, 2023, which is almost four months ago.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Can I ask, through you, Mr. President, to the hon. Minister: During that interim period when we had these major landslides that would have prevented classes for the students—I am assuming—can you indicate to this honourable Senate what measures were taken to ensure that these students were exposed to continuous educational opportunities and work?

**Mr. President:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Mr. President, as I would have said in the answer, the teachers, some of them were volunteering to conduct virtual classes, and those were the measures available to assist the students for continuous teaching and learning.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Can you indicate, again, through the hon. President, how many virtual classes you recall, or can you recall, that were actually hosted by our teachers to the students in question during the period under review?

**Mr. President:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Mr. President, it is a strange question. When you say how many virtual classes, this is a primary school, so teachers would have classes with their students. So I cannot recall how many existing actual classes. These are teachers interacting students on a daily basis.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Hon. Minister, can you tell us, through the President, these students in question, were they able to access the appropriate devices, laptops as an example, by the Ministry because of the circumstances so that the teachers in question can in fact conduct these virtual classes? Do you know if these students, at the material time, had access to devices?

**Mr. President:** Minister of Education.

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Mr. President. Mr. President, on checking with the students at that time, all of the students who had applied for devices were able to access devices. In some cases, there were issues of connectivity, and so that was a matter that had to be dealt with differently. And teachers did try to reach out in those cases, but the students were able to access devices.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Finally, hon. Minister, through the President, do you know, for instance, if those students, who were unable to access the laptop facility, were in any event provided with hard copies of the teaching materials, so that they would have been able to benefit from the education that others would have been enjoying through virtual classes? Do you know? Can you share?

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Mr. President. Mr. President, where available, the teachers used different strategies. Some used WhatsApp to be able

to contact and to send information, some were able to take virtual classes on devices and so on. So there were a variety of measures. I am not seized at this point or certain that they used hard copies. I do not know if that was necessary in terms of reaching the students. And I can tell you over the two years of COVID, our teachers used very many different ways of getting to their students, and WhatsApp was a very important way. It is a globally recognized way of reaching students when there is not the connectivity, in some cases, or the devices. So the teachers would have used all of the resources available to them, those who were willing do it, at that time.

**Mr. President:** Sen. Mark.

**Increased Shoplifting Incidents  
(Measures to Curb)**

**57.** Given calls by the Supermarket Association for more Police patrols to curb the increased incidents of shoplifting, can the Minister indicate what measures, if any, are being taken to address this issue?

**Mr. President:** Minister of National Security.

**Hon. Senators:** [*Desk thumping*]

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Mr. President. Mr. President, the Trinidad and Tobago Police Service continues to review existing policies and to strategize in an effort to reduce all crimes, inclusive of shoplifting. The TTPS has noted the request made by the Supermarket Association for more police patrols in an attempt to curb the incidents of shoplifting at supermarkets. The TTPS, through enhanced stakeholder engagements, will continue to partner in matters aimed at reducing and preventing criminal activities in communities across the country. Some of the strategies being implemented by the TTPS to address these incidents of shoplifting include: stop and search exercises, where the TTPS conducts scheduled operations within

divisions, paying particular attention to the business areas where supermarkets are located and might be operating at those times.

Implementation of the active directed patrols: this is a scientifically-driven patrol initiative that utilizes CAPA, or Crime and Problem Analysis, data to map patrol zones and beats. These active directed patrols are mandated to make public spaces a focal point, inclusive of business districts of their patrol routes. And some operations are being intensified to target particular vehicle types and prolific offenders that are generally known to the police for engaging in that kind of criminal activity, with a view to stymie those occurrences.

Enhanced stakeholder relationship: the TTPS is seeking to enhance the relationship with its stakeholders, including the supermarket operators, regarding the reporting of crime and criminality. Building strong partnerships with the Supermarkets Association and its member will promote joint responsibility between them, as citizens, and the TTPS for crime prevention.

Detection; problem solving at the individual, organizational, business community and national levels: the TTPS utilizes structured, guided and informal interactions with the Supermarket Association through station council meetings which allow for the gathering of the various community groups, directly involving the participants, or the participation of supermarket owners, to express their opinions. And therefrom, form committees which further enable problem-solving discussions and actions, while sharing advice to such owners on matters related to the use of CCTV networks; strategic packing and displaying of high-priced items, including locking them up and demanding the owners, where feasible, to employ private security. And I actually saw this at work in the Tunapuna district, with the Tunapuna business chamber, when I visited them and visited their neighbourhood with the Commissioner of Police and her divisional commanders for that area.

**1.55 p.m.**

And that came, Mr. President, as a consequence of a letter I received from an attorney-at-law who was affronted and afflicted by crime in that neighbourhood, and that was the part of the response.

- Town meetings, which would captivate a wider cross-section of these communities where concerns would be aired, plans developed, and feedback between the community, the business sector, be given.
- Gang Reduction and Community Empowerment (GRACE) programme: additionally, the advent of the GRACE programme will facilitate effective crime prevention strategies in targeted areas by identifying and meeting community needs thereby minimizing these incidents of criminal activities.

And finally, Mr. President, though not altogether exclusively, the TTPS undertakes continued analysis of crime trends, paying particular attention to offences that occur within and around supermarkets. Crime analysts within the police divisions will be tasked with analyzing the reported trends from which the TTPS will develop further strategies to dismantle and circumvent shoplifting at the nation's supermarkets. I thank you, Mr. President.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Mr. President, may I ask the hon. Minister, in terms of the structured relationship between the Supermarket Association and the TTPS, can you advise this honourable Senate how many meetings since this request that came through, would have taken place between the TTPS and the Supermarket Association?

**Mr. President:** Minister of National Security.

**Hon. F. Hinds:** I know they meet frequently. I know that the police pay visits on their premises. I know they have even informal contacts with the divisional commanders and other police operators in the neighborhood. But it is not possible

for me to say with specificity, Mr. President, how many meetings they would have had thus far.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Can I ask the hon. Minister, in light of the various measures outlined to address this issue, can you provide us with any data that will guide us as to the reality of these initiatives re: whether there has been a reduction, an increase, or is there some stability in this particular area or field that the supermarket owners have complained about?

**Mr. President:** Minister of National Security.

**Hon. F. Hinds:** I give the Member the assurance that once he presents the question, or even a request to the Police Commissioner, or to this Minister for any particular aspect of data that he might want, I give the assurance we will make every effort to providing it.

**Mr. President:** Sen. Mark.

**Sen. Mark:** Mr. President, I am finished. Thank you.

### **ARBITRATION BILL, 2023**

Bill to repeal and replace the Arbitration Act, Chap. 5:01, to provide a modern legal framework to facilitate domestic and international trade and commerce by encouraging the use of arbitration as a means of resolving disputes and for related matters. [*The Attorney General*]; read the first time.

### **PARLIAMENTARY AUTONOMY (GOVERNMENT'S COMMITMENT TO HONOUR)**

[Third Day]

*Order read for resuming adjourned debate on question* [April 25, 2023]:

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

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*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.*

Hon. Senators, on the last occasion, Tuesday, April 25, 2203, there were seven speakers on this Motion. Sen. Lutchmedial utilized 16 minutes of her speaking time and, therefore, has 24 minutes remaining. Sen. Lutchmedial.

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:** Thank you, Mr. President. Mr. President, on the last occasion, I would have made a few points with respect to this very important Motion brought by Sen. Mark. And I would simply reiterate very briefly, before wrapping up, some of the points that I stated before, and that is, no one in the entire debate on this Motion could deny the importance of parliamentary autonomy. There are several benefits to be derived from this concept, which we have called upon time and time again, to be implemented by the Government.

It takes us no further to do an examination of who did what, when it should be done, when we all agree—or who did what and who had the opportunity to do things and did not do it, when we all agree that moving forward, this is something that requires consideration. Well, Mr. President, as I stated before, this Motion is not just about parliamentary autonomy. It is quite simply an important Motion brought by Sen. Mark to draw from the Government and to give them an opportunity to explain what they have done over a period of time when this matter has been raised. And it is quite disappointing that in this entire debate we have not yet heard of a meaningful work being done towards achieving this very important objective.

So, as I said, we are here today to also call the Government to account. I think this Motion is very timely. It actually coincides nicely with the next Motion that we will talk about, because we are dealing with issues, which could perhaps arise at some point in time. And the argument that there has been no challenge thus far, with respect to the Parliament and its officers functioning is not an argument which takes us any further, because you do not wait for a problem to arise before it can be addressed.

On that note, Mr. President, I wish to say that I fully endorse this Motion brought by Sen. Mark. I believe that the three-month period in the resolution clause of this Motion is sufficient to ask this Parliament to introduce a Bill. No one is pulling this concept out of thin air and throwing it on to a Government with a timeline, Mr. President. It has been around long enough. And this is not a can that ought to be kicked down the road any further, due to its importance to our democracy, due to its importance to the proper functioning of our Parliament. And, therefore, I wish to lend by support to this Motion and I thank you very much.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Sen. Mark.

**Hon. Senators:** [*Desk thumping*]

[*Senators Deyalsingh and Hislop rise*]

**Mr. President:** Okay, Senators. All right, Sen. Mark, you will give way? Okay, so there is Sen. Deyalsingh and there is Sen. Hislop. Again, it is your choice. Normally it is by way of catching the eye of the Chair. But at this moment and this moment only I would allow you all to decide which one of you all want to speak next. So. Sen. Deyalsingh or Sen. Hislop? Sen. Hislop.

**Hon. Senators:** [*Desk thumping*]



**Sen. Laurence Hislop:** Thank you, Mr. President. If you permit me, let me just first start by extending condolences to the people of Guyana, as was stated by our Government, on the tragic loss of lives, young lives, in such a tragic way. We want to extend our condolences to all the families and the people of Guyana by extension.

Mr. President, let me thank you for the opportunity to join this debate. It is on a Private Motion to call on Government to reaffirm its commitment to introduce legislative framework on parliamentary autonomy. And it goes on to say:

*“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.”*

Mr. President, the issue of parliamentary autonomy is not only necessary but it is critical to the effective operation of our Parliament, not the Parliament of Jamaica or Barbados, or any other Caribbean country, but the operation of our Parliament. And so, Mr. President, the first thing we should establish is what is the role and function of our Parliament, and whether our Parliament requires any other entity to assist it in fulfilling its mandate.

The following is taken from the website of the Parliament of Trinidad and Tobago. It says:

*“The Parliament of Trinidad and Tobago also known as the legislature, is the arm of state entrusted with...making laws for good governance, and providing oversight of the Government or Executive.”*

From what I have just articulated, Mr. President, as to the purpose of the Parliament, I am of the firm opinion, as simple as it seems, this Parliament has been able to carry out its entrusted role and function of making laws for the good

governance, and might I also add, Mr. President, also providing oversight of the Government and the Executive. And there can be no doubt that all of this is done without interference from any external entity.

The question is always asked: Can things be improved? And I want to say, yes. You see, life is always about growth and improvement. Mr. President, while that may be so, I wish to disagree with Members of the Opposition on a few areas of interest. And I also want to seek to show that this prestigious place, that we as Members are privileged to sit, has grown over the years to be a place that others not only respect, but that they wish to emulate in its procedure and operation.

You see, there is term that is used very frequently and in most instances, Mr. President, is used as a form of creating a boogieman in our governance system. The term, Mr. President, is the separation of powers. You see, since my primary school days, Mr. President, I learnt about the governance triangle, the Executive, the Legislature, and the Judiciary. But over and over again, it seems that whenever the UNC is in Opposition, it always attempts to plant in the minds of the public that there is interference by the Executive on other arms of the State. That is something that really serves no purpose.

The opening line of Rudyard Kipling's the *Ballad of East and West*, Mr. President, says:

“Oh, East is East, and West is West, and never the twain shall meet,”

Mr. President, the Opposition operates as if these three elements are polar opposites; polar opposites of each other. And if there is some sort of interweaving, that the system we call democracy, will come crashing down upon us.

I wish to refer to a research briefing from the library of the House of Commons titled *The Separation of Powers*. It authored by Richard Benwell and, I do not want to disrupt the person's name too much, but Oonagh Gay. And it says,

Mr. President:

“‘Separation of powers’ refers to the idea that the major institutions of state should be functionally independent and that no individual should have powers that span these offices. The principal institutions are usually taken to be the executive, the legislature and the judiciary.

It was held that the major institutions should be divided and dependent upon each other so that one power would not be able to exceed that of the other two. Today, the separation powers is more often suggested as a way to foster a system of checks and balances necessary for good government.”

**2.10 p.m.**

And I continue by quoting, Mr. President:

“According to a strict interpretation of the separation of powers, none of the three branches may exercise the power of the other, nor should any person be a member of any two of the branches. Instead, the independent action of the separate institutions should create a system of checks and balances between them.”

And the authors go on to say:

“In practice, however, many countries do not aim for a strict separation of powers, but opt for a compromise, where some functions are shared between the institutions of state. In the UK, the powers of Parliament, Government and courts are closely intertwined. In fact, the executive and legislature are seen as a ‘close union, [a] nearly complete fusion...’

In the UK, and other common law jurisdictions, the executive and legislature are closely entwined. The Prime Minister and a majority of his or her ministers are Members of Parliament and sit in the House of Commons. The executive is therefore present at the heart of Parliament.”

And so, Mr. President, it is not seen so much as separation of powers but as a balance of power. You see, we have inherited a system, Mr. President, and even the size of our governance and parliamentary structure makes it significantly more difficult for a full realization of what some may want to call a true separation of powers. We have been able to experience in our democracy, or what we have been able to experience, is more a balance of power than it is a separation of power.

Mr. President, the three-month time frame that Sen. Mark is seeking is unrealistic. Because what is required to have our Parliament get to the place we all desire of it, and I am sure we have heard all the speakers, we are seeking to have our preferred position—our preferred place as a Parliament is for the Parliament to be fully autonomous. But for us to get to that place, it will not only affect the Parliament but it will also affect the entire governance and parliamentary structure. You see, it requires significant constitutional change, Mr. President, which will not be hastily done or should not be hastily done.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Hislop:** Let us remind the Opposition that there is a responsible Government in place in Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping and laughter*]

**Sen. L. Hislop:** You see, Mr. President, parliamentary autonomy takes different forms depending on the jurisdiction, and this was highlighted by some of my colleagues previously, and case in point the learned Attorney General when he says, and I quote:

“...the nature of parliamentary autonomy can vary...depending on the specific constitutional arrangements and political culture of a country.”

And this speaks to us as a country, as Trinidad and Tobago. We are experiencing parliamentary autonomy based on our constitutional arrangement and political

culture. And so when we come—when we have Motions like these that seek to paint a picture that there is interference, I have a significant challenge with that, because I may be a young parliamentarian but viewing the Parliament from the outside, and better yet coming on the inside, you recognize that the Parliament runs its own business.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Hislop:** You see, we understand, Mr. President, that there are shortcomings, no system is perfect. But in the meantime, until we get to that point we all desire, this Parliament has been able to become more self-sufficient, more robust, more autonomous, and more in tune with the times than most, and if not all Parliaments in the region.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Hislop:** The Parliament, Mr. President, has even developed and is executing a strategic road map. And I will just highlight some of the things that the Parliament is seeking to do or has done. The Legislature sets its priorities, the Legislature allocates its resources, the Legislature strengthens operations, and the Legislature seeks to ensure that Members, employees, and other stakeholders work toward a common goal. And if these are not autonomous steps, Mr. President, then I do not know what is.

I am even informed that at the staff level, competencies are identified and staff are assessed based on agreed outcomes. And the organization's direction is adjusted relative to changing environments and demand. This is done outside of the Executive. It is the Parliament that sets all of these things, and the seven—they have even established, Mr. President, a seven-step management process. And I will state them here:

1. Review the mission, vision, goals and objectives.

2. Carry out an environmental scan.
3. Review and update strategic goals.
4. Establish strategic objectives.
5. Establish strategies for each strategic objective through operational planning.
6. Develop an annual action plan and finalize the strategic plan.

And:

7. Execution review.

So after they have gone through—after the Parliament has gone through all of this, they review what has been executed over the period of time. All of this, Mr. President, was done autonomously, was done outside of any interference from any external body, was done outside of the Executive.

Mr. President, the Parliament has been managing its business effectively on its own.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Hislop:** And yes, we agree that there is always room for improvement but the Opposition needs to stop crying wolf, needs to stop painting this picture that there is some entity interfering with the operation of the Parliament. That is far from so. The parliamentary democracy, Mr. President, of our country is safe and stable. Stop looking for trouble and drama where there is none.

Parliament, Mr. President, has done the work, yes, with the support of the Executive as it is supposed to do. But the Parliament did the work to improve—the Parliament did the work to improve its service, not only for us but more importantly for the public.

I continue, Mr. President, between 2010 to 2018, there was a strategic plan created, operationalized, co-funded by the UNDP. This project aimed at

institutional strengthening of the Parliament. This framework led to several steps being taken, one of them being very significant, and that is the creation of a more robust form of oversight for the Parliament. Because one of the key things, Mr. President, that makes the Parliament autonomous is its ability for oversight of the Government and the Executive. As I mentioned before, Mr. President, because of our unique circumstances, having to do with our small parliamentary size, we have had to balance power and not necessarily separate power.

Our committee system has been a shining example, that even though we have the Executive as part of the oversight, we have still been able to provide significant oversight as a Parliament. And there are many Members sitting here, Ministers, and in the other place, who sit on committees that provide oversight, Members of the Opposition as well. So when we talk about the Parliament being autonomous, we are speaking also to the oversight capabilities of the Parliament.

To show that autonomy is always a work in progress, Mr. President, Parliament was not always this effective in its oversight. And the statistics I have, that in 2011, oversight was woeful by the Parliament. The Parliament had only five main committees holding 38 meetings, 23 hearings, and producing two reports, with the Finance Committee having two meetings totalling only four hours, producing zero reports. But within eight short years, Mr. President, there was a transformation in our parliamentary system. We moved from six committees in 2011 to 13, inclusive of the Standing Finance Committee. And the report for 2019 says that we moved from 38 meetings in 2011 to 98 meetings by 2019; from 23 to 74 hearings; and from two reports to 48.

Now, when it comes to the Standing Finance Committee, in 2019, we had one more meeting than 2011, but we moved from four hours to 40 hours of meetings, and from zero reports to two. That is a working Parliament.

Mr. President, Ministries and government agencies are now called before joint select committees of the Parliament to give account, not only to the Parliament but to the public on their stewardship. There is now greater scrutiny of the Executive by the Legislature. This is what we call balance of power.

There is so much that this Parliament has been able to accomplish without interference from the Executive. Initiatives and systems that makes the work of the Legislature easier, but in turn makes the Legislature more effective in fulfilling its mandate of creating laws for the good governance of the country.

Mr. President, we on this side agree that ideally Parliament should implement the Commonwealth (Latimer House) Principles on the accountability of the relationship between the three branches of government, especially those relating to the independence of the Legislature. But all we are saying, that three months is not enough time. Significant change like this requires extensive consultations.

And, Mr. President, if we look throughout the Commonwealth jurisdiction, we will recognize that when it comes to parliamentary autonomy, what we need is a radical change in our system of governance. That is what creates parliamentary autonomy. You look in most instances, true parliamentary autonomy deals with presidential systems. And we know that in the past these systems were—there was talk of these systems being introduced. I think, 2006, Mr. President, was when there was significant work being done in constitutional reform, but people saw it from the standpoint that an individual is attempting to become an executive President. But what we could have gotten from that is what we are now talking about. What we could have gotten from that is parliamentary autonomy where the Executive is completely separate and apart from the parliamentary system. And we understand that these principles should be introduced, but all we are saying,



three months cannot be enough time for us to have consultations, to have significant constitutional reform that would allow for this to take place.

It is accepted that parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference. And I want to ask, Mr. President, through you, to any parliamentarian sitting here, if he or she has ever felt that they were unable to carry out their functions as parliamentarians; if they ever felt that they were being interfered with by an external entity.

Mr. President, it is also accepted that parliamentarians should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.

And in closing, Mr. President, we accept all of the above but something this important as our parliamentary democracy cannot be rushed. The Government's legislative agenda will not be rushed or set by those opposite. Therefore, Mr. President, at this time, we cannot support this Motion in its current form. Mr. President, I thank you.

**Hon. Senators:** [*Desk thumping*]

**2.25 p.m.**

**Mr. President:** Sen. Deyalsingh.

**Hon. Senators:** [*Desk thumping*]

**Sen. Dr. Varma Deyalsingh:** Thank you, Mr. President, for giving me the opportunity to participate in this discussion. And I must say, Parliament is just one of the pillars of our democracy. The Judiciary, the Executive are the other pillars which, as a tripod, we hold and support and maintain our Constitution, and as a result our democracy. It is Parliament's duty, not only to legislate but to also seek

to ascertain if, you know—ascertain any sort of executive accountability, to hold the Executive accountable.

So Sen. Mark's Motion raises the question: Are we in the legislative body compromised? Are we, you know, in a position where we are unable to perform our functions without fear or favour, without economic hindrance? Are we passing good legislation? And I heard Sen. Hislop's defence and, you know, in a sense he said, we are really not interfered with, we are not in any way—in such a way that we are compromised, and I heard his contribution. But I would like to go further into this, you know, because when I did my research on this, I realized: Could we improve our function here by gaining more autonomy?

And the Motion brought up four issues: one, the issue of executive overreach versus legislative overreach. Two, executive disrespect for other pillars of state. Three, funding: should more funding actually benefit our function here? Four, would an increase in power to the Speaker and the President of the Senate benefit us? And five, the fallout that we may get from rushed legislation and granting a full legislative autonomy to us.

I must say, I was a bit ashamed, embarrassed, to be a Member of this body when there was the court matter recently, the Privy Council, where the Law Lords actually had to frown upon us in the Miscellaneous Provisions (Local Government Reform) Act, 2022. And why I was embarrassed? Because here I was in this body passing a legislation and that piece of legislation, when it went to the Law Lords, we were admonished basically. We basically said that we were passing legislation to take away the rights for persons to vote. And this is basic democratic rights. So when I looked at that, I said, "Hey, you know, we were here, we looked at that legislation." It never crossed our mind that this could be the far-reaching consequences. And in that way I wondered if somehow we could get an

improvement in this body to prevent things like that from happening in the future, and this was one of the challenges I had.

So therefore, it was not just Cabinet to blame, it is not just the Executive to blame, but all of us to blame because we were here, all of us in the legislative Chamber who allowed the laws to go through that could have been challenged and chastised by the majority judges in the Privy Council. So Parliament should be answerable, not only to the people via our constitutional actions but—and if we step out of line, we could be judged by public opinion, as well as our legislative work can be scrutinized by judicial oversight, and it was.

So this legislative arm of government first emerged as a check on the authority of the monarchs and still remains as a check to executive overreach. And we have to ask: Has its function been compromised? Has its function been compromised in the present scenario where Members of the Executive also perform legislative function? Members of the political executive are also Members of both Houses of Parliament. They are serving two masters. So we have to see, is there a way we could improve this. Because we have a fusion of some functions and rather than a complete separation of powers, different parts are interconnected and interdependent.

Most Bills need a simple majority would carry, and there is a duty to carry because the Government's mandate is to carry certain Bills to govern the population in a better way. But our Constitution was set up where the three-fifths majority gives us that safeguard for any sort of abuse of any government in power. We have instances that we know that the Speakers would have a casting vote and this—the Speaker and the President of the Senate may have a casting vote. And sometimes persons out there may use this as a means to say, you know, they were chosen by the party in power, they are chosen by the Government, and some

persons may point fingers. All these things are things out in the public debate. And I know most Presidents of the Senate or the Speakers would turn in their party cards when they assume the position, but the public might still judge them wearing their party—

**Mr. President:** Senator, just to remind you that utilizing those offices, which you are referring now, to, what we call in the Standing Orders, influence the debate in any way is not allowed. So just refrain from utilizing those offices in your contribution.

**Sen. Dr. V. Deyalsingh:** Thank you, Sir. But I was mentioning Sen. Lyder, in his contribution he did say, there should be more power to the office-holders. So I am trying to say: How could we get the Parliament to have, you know—persons out there to have faith in us here doing the right things? How could we get more power to the office-holders? And these office-holders should be, in my opinion, considered as judges, fully independent. And when they put on these robes, not influenced by any politics. And we have seen in the past that this is so, but we have also had a checkered history some time ago.

So therefore, they should have security of tenure in office for a parliamentary term and if their conscience—

**Mr. President:** Senators, as I indicated just a few minutes ago, I understand what you are trying to say, just remember that those offices can be used to influence the debate. So I will ask you to move on from that point and make another point as you go forward.

**Sen. Dr. V. Deyalsingh:** Thank you. So what I am trying to say is that if we are going to look at parliamentary autonomy, we want to say: How could we prevent executive control over the Legislature?

I just want to go back in history. Now, this is a historical perspective, where, you know, we know that our late Prime Minister, Patrick Manning, attended a conference in Nigeria, and emphasis was placed on the separation of powers, the Parliament, Judiciary and Executive, the Latimer House Principles. However, in the past, we saw that there were instances where the Executive had to go after the Speaker of the House. This is a historical point of view. This caused a lot of distress at the time, where persons then were depending on which side of the fence you sat, you would have seen that the Government of the day felt that they were restricted in their functioning as a government by a Speaker. And the press had it:

A Speaker gone rogue.

Other persons would have said they probably—the Speaker would have been influenced—tried to be influenced by the Executive. So we have a to and fro on both sides. But whatever—if we are going forward with the autonomy of the Parliament, we must ensure that things like that would not come to matter again. We must ensure that.

And, you see, it is not a—recently, in Malaysia, they were the second only country who had to remove their parliamentary Speaker. So it happens elsewhere. And they mentioned Trinidad and Tobago in their discussion also, that we were the first to remove a female—the first female Speaker we had, and they mentioned, you know, what had happened and transpired then.

So therefore, my point is we have to get these office-holders to be, as I mentioned, persons who would have that autonomy devolved from the Executive control. And I sought to put into the records that the history has shown we had an ongoing debacle at one stage in our history. And I am hoping we do not have to go in that again, if somehow the Senate, if the Parliament could now put things in

place to bring any sort of questions of executive control over the Legislature or legislative overreach by certain Members who may want to have a palace coup.

So therefore, I now want to move on, Sir, to the fact that democracy has to evolve with the times. We must acknowledge that the work of the Parliament and the building of its institutional strength is a process, and that part of the process involves building the autonomy of our Parliament. If there are shortcomings or the possibility of such arising, we need to recognize and fix this pillar to strengthen it.

But, you know, what we have to appreciate is that—I remember this building. And Members have said that this building is beautiful building. And I agree, our Prime Minister did a fantastic job in refurbishing it. I remember coming here as a school child, my father, Lennox Deyalsingh, was a judge in the first assize court at this side of the building while the parliamentarians debated on the northern side. So we had once shared—the Judiciary had once shared with the legislator under this roof. So we have a beautiful historical building. And I say, again, thanks to the effort—and a lot of things have been done. We have artistic expressions. We have school children coming in here, children visiting are in awe; positive things this Parliament is doing and we have to thank the parliamentary staff for organizing this. We have to thank the staff for running a well-oiled machinery where, you know, you come in here, it is run like a totally excellent private institution, thanks to the members of staff here.

But I want to go in, Sir, the history of this Bill a bit. It was, I think, the Draft Houses of Parliament Service Autonomy Bill, 2014, including its examination by a joint select committee of Parliament. Then Sen. Mark must be commended for his efforts. He has been knocking on the doors of the Senate for quite a while to try to get this Motion. He had a Motion on 28<sup>th</sup> of June, 2016, calling for a legislative formula for parliamentary autonomy and the establishment

of a joint select committee to consider the report on the matter. He repeated this call again on March 27, 2018. Finally, it seemed, or it appeared to pay out in April 2018, or so we thought, when there was a unanimous agreement of all Benches to bring the Bill to Parliament.

It was on the 24<sup>th</sup> of April, 2018, where the late leader of the Senate on the Government side, Franklin Khan, spoke on the compromise between the Opposition, Government and Independents, and he promised to look into this. And Senate President, Christine Kangaloo, read out the Motion with the Senate calling on Government to introduce legislation to Parliament on parliamentary autonomy during the Fourth Session of the Eleventh Parliament and to refer it to a joint select committee and report before the end of the fourth session. It is six years, this was not done.

So sitting here as a parliamentarian trying to say, well, we have the autonomy, we have that importance, we have that independence, it does not appear to be so. Because if six years this was not done, it borders on disrespect for a directive from the Senate. It makes a mockery of the work that we are doing here; a mockery of the Senate and Parliament. So this, to me, it borders a little bit on executive disrespect, whatever their reasons are. The fact that if then we were promised this, it is not forthcoming. And even on the 12<sup>th</sup> of February, 2019, Sen. Mark had to raise it again, and today we are here arguing about this same thing.

So therefore, what I have to say now is Parliament now, in my opinion, should be able to ask for a legislation and get it in a timely manner. This is parliamentary autonomy. Promise something, it is not given, we should have that power. And this is where I want to take this a little further.

You see, we have to realize that it is not just three months we are talking about, as some persons say, three months, the time we are supposed to come up

with some sort of formula. No, this was five years and three months. So now, my opinion is this, if we have to wait on the Executive to carry this forward, to go to the law review commission—to go to the Law Reform Commission to try to get these laws passed, we are the legislative body. I think in any sort of autonomy Bill, we should be the ones having these bodies under our ambit. We should have the Law Reform Commission, not under any sort of the Attorney General's department. We should have the Chief Personnel Officer also, you know—the parliamentary officer who is looking at laws under the Parliament, because we are the main legislative body. We are the one passing the laws.

**2.40 p.m.**

We have to be the ones to say, “Hey, let us look into this law. Let us get this law ready. Let us do consultation because, you know, we have confusion over who was consulted, who was not consulted.” So if these bodies are there—because the Law Reform Commission on their own, they could look at any piece of legislation and decide, “Let us try to see if we could beef this up. Let us see what is going on all over the world. Let us bring it up to standard.” So they can do that.

Also, the Government sometimes would go to the Chief Parliamentary Officer and say, “Tweak the laws on this”; also, the law review commission. So we have these entities but my humble suggestion is these entities should be under us. We should be able to say that, “These are laws that we want to change.” We as parliamentarians should be going into offices which are close by, see what is happening to the law. Laws should be here being discussed. You know, we can just move out of the Chamber, go into these departments, “What is on the agenda? What solution we want to make?” In a sense, that it is any law that we have would be something that we, before it is presented here, can have a part to play, because at the end of the day we are the Legislature and we are getting blamed sometimes



for passing bad laws.

So I am saying that we have to fix these before debate. We have to be the ones so say, “Give us these laws.” And, you see, if we are able for these bodies to be giving us good law, and also consulting with other bodies, also with civil groups, Law Association of Trinidad and Tobago, not trampling on the rights of the citizen, if these persons are able to do that, law—laws that may be sanitized from any sort of executive influence, just law good, then those laws, when it is brought here, we can now argue it. And the Government, with the majority side, if they want to amend or add anything that is to their benefit, they can do so, but the laws will be coming with a clean slate, without any sort of persons may be saying any sort of ulterior motive. So clean, nice law that we can now add on, so executive Members, I say, can seek to amend or change during a debate process.

We should be able to have these bodies, Law Reform Commission, do a referendum on pro-choice, euthanasia, or a death penalty, come in with some laws, and the Executive now should be the one to decide, “Should we go forward with this?” Because the Executive was voted in. They have their mandate. They may not want to touch certain pieces of laws where it may be controversial or it may be causing more problems. But, you see, the idea is, you are getting laws, the Executive could decide what they want to go forward. These laws would be there with a working team. We have our drafting team here. We have people’s involvement along the way. And therefore, the administration of the day will then be presented with certain pieces of legislation. They make that decision. Right? So some issues may not be in their political radar; some not politically wise to touch, and they were voted in and that is their prerogative. What I am saying, our prerogative here in the Senate, in the Parliament, is to pass good laws, and I sincerely hope we can get laws, as I am saying, that are actually bodies that we can

having working under us.

So I now bring up the issue of funding. I must say that the professionalism that I have seen here, the Clerk of House, Jacqui Sampson-Meiguel, assisted by the Clerk of the Senate, our hard-working staff, those are persons who I am saying, they run here, I am saying, in an excellent manner. Other support staff, regrettably, some are contract workers, and some have been saying that, "It is unfair to be working so hard. We are doing our best." But you are a contract worker, how are you going to get your mortgage? The same problem young doctors face. They are only getting a three-month stipend. If Parliament is afforded full autonomy, full funding, we could hire these people. We can also be able to have a happier staff. We get better things done. And if we are looking at having the law reform or other drafting mechanisms in Parliament, greater funding could go towards this where we would now be able to expedite any sort of thing. So if somebody said five years ago we are going to look into a piece of legislation, our team could work on it, a month or two, get it going. That would be their priority. That will be our prerogative to get that law going, so nobody could come and delay and say they did not do it.

So therefore, I think, we have a lot of positives here, the Standing Orders, you know, the committee system, strengthened, deployed; IT system working well. Our legislative work here is transmitted to the population, and persons may sit in the public gallery to judge how we function. Under the previous administration, we have to praise them for widening the remit of the Standing Finance Committee where settings are now broadcast publicly and they are establishing a number of standing committees on National Security, equality and diversity, finance and legal affairs. It allows for better security and accountability of the Executive. It opens the eye of the public on failures and let the public be able to call for change, and it

opens public debate.

The JSC I chair, I usually ask the NGOs or persons in public to have an input to get that public participation, and I think this is one of the advantages we have. But I must say, having the Joint Select Committee, having these bodies meet with stakeholders—and I draw a recent example, Sir, with the noise pollution aspect, the Environmental Management Authority, when we met on them, stakeholders came; they actually were disappointed that in the last joint select committee, looking at into noise, into fireworks, et cetera, a lot of work went into it, but we were not able to get some sort of a relief. And Sen. Vieira had mentioned that, you know, it is sometimes a challenge to see if the Executive actually takes on the deliberations that comes out of this Joint Select Committee.

So this is something, I think, we have to get more power to. The autonomy also should give us the greater power to be to ask these organizations what is happening, and not only ask them, some sort of sanction that if they have given you a promise they are going to do something, we should be able not just to publicly admonish or to show, but some sort of sanction that, you know, if you are not doing the relief or the recommendations, we have to create a sanction on those persons, or even in terms of promotion of individuals in certain top positions not be given if they are failing to perform their job. So more power to the JSC, I think, it is something that, if we have a parliamentary autonomy, we can assist the public more.

But, you see, another pillar also asked for financial autonomy; a member of the Judiciary. And, you see, it is not just Parliament asking for it. Speaking at the opening, the law opening of 2021/2022, Chief Justice Ivor Archie stated that:

The court managed to effect transformation despite declining revenues.  
He said:

“As an independent arm of”—the—“State that has always existed with what we consider to be less than our appropriate share of the national budget, the Judiciary has learned to do more with less...”

He also mentioned—he also renewed his call for the Judiciary to be given financial autonomy that was promised in the 2016 budget. So, you see, he made mentioned:

“However, our ability to sustain and accelerate necessary transformations is hampered by the public sector hiring and financial arrangements that are notoriously slow and inefficient and, as I have observed previously, are in some instances incompatible with true Judicial independence.”

So another arm of our—another arm, another major pillar of our democracy is also crying out. So therefore now, he said:

He renewed his—“...call for...financial and administration autonomy promised in the 2015 budget speech.”

So two points came to mind when I read that. We have to equate independence with financial autonomy, so we should go full in this Chamber and ask for that. And also, what—his position was also backed by the Law Association of Trinidad and Tobago at the time, which had a release, and I want to just read that in, Sir. It was a release on 8<sup>th</sup> of October, 2015. It was headed, “Autonomy of Judiciary”, and:

“The Law Association of Trinidad and Tobago (LATT) has long been in the forefront of promoting and supporting the call for our Judges to themselves be responsible for the fiscal and administrative operation of the Judiciary. This is an inseparable institutional component of an independent judiciary.”

They went on to support the Judiciary’s call. And the President at the time was our learned Attorney General, Reginald Armour, so I am hoping with his—jogging his memory, that if the financial independence of the Judiciary is such an important

thing, then the financial independence of this body, Sir, that you now sit in should also be something we all should be going after. It will benefit us all. It will benefit the public. It will benefit the laws going forward, so this is why I hoping we can go with this.

We have to look at the fact that the Chief Justice said, since 2016, this was promised. Again, is it an executive discourtesy that the Minister of Finance promised the Chief Justice this and it is not forthcoming? So we have to understand that the Executive needs to realize, the other two arms, we have to prop, we have to help—we have to help each other. So therefore, real autonomy for Parliament also looks to—looks at not just the autonomy but also will involve giving more—giving the intention also of scrutiny of laws which are going to come before us. And I am saying, laws coming before us, we should have a real time where we know next month, we are going to discuss this; the other month, we are going to discuss this. This now, you know, will give the parliamentarians time to study, to look at this.

Sen. Vieira did mention that up to recently we did not have the luxury of having research assistants. Thankfully, we got some, but they are scattered. It is not one to each Member, and sometimes we have to do our research ourselves. And if a piece of legislation comes now to be discussed in two days, that is a discourtesy meted out to us as Members of the Legislature. That is a discourtesy to try to figure out that law—pass law, it may be bad law, we may not get time to study. That is a discourtesy to our democracy. And what I am saying is, we have to improve—we have to improve situations where we know what is coming. Not a legislation coming like a thief in the night, and next two days we now have to go and try to—so all these things we need to improve. We need a legislative agenda. We need a time to study these things.

Another mention I want to make, Sir, is, why are Private Motions not carried through to completion? Sometimes it is postponed to another month, another month. Is it what the private Members say or ask for in their Motions not carry weight? They represent—Sen. Mark represents a collection of the electorate out there who may want to see these Motions. Independent Sen. Vieira who brings up Motions, you know, private Motions, it is—

**Mr. Vice-President:** Senator, so two things, one, a lot of the arguments that you are putting forward now have been put forward by Senators that have gone before you. So what I am looking for at this late stage of the debate is something absolutely new or that we have not heard before. So any new points that you have, you are invited to bring them forward now. The second point I want to make is that this is not about procedures in this House per se as it relates to Private Members' Motions. It is about parliamentary autonomy, and I repeat again, we have heard about all the different types of autonomy that you can have, from financial to a separation of powers, and so forth. So again, I am looking for new points as you move towards the end of your contribution.

**Sen. Dr. V. Deyalsingh:** So I just wanted to gather, Sir, that the autonomy also, it is really for us to be presented with the legislation in a timely manner in the sense that, you know, it will be a disservice for us to be producing something in a quick, you know, whirlwind sort of a review that we have to do.

So in an ideal world we can hope we get an executive agenda of legislation and produce legislation we could vote on. And the reality is in—you know, essentially, is that Parliament is passing laws merely dominated by the Executive, and the Executive has every right to do that because they were voted in power, and even what decisions they make. But, you see, if we are now coming here as a legislative body, we have to have more time, more input, more expertise available

to let us be able to carry this work forward more.

As I say, democracy is a work in progress; it evolves with time. At one time women could not vote. Right now we are looking at how could we improve the situation, how could we look at the autonomy in terms of improving this branch. As I mentioned, Sir, that if we had looked at the—you know, it was made mention, I think, by Member Hislop that the Executive, you know, will basically have good intention; they will come with good legislation. But, you see, we are a check and balance, we here, on any executive overreach. In the past we had section 34; in the past we had watered-down procurement legislation. We had white paper, green paper, I think, under the Basdeo Panday administration, looking into the press and they had public objection. We had Public Order Act under AG Karl Hudson-Phillips.

**2.55 p.m.**

So we could have pieces of legislation presented to us which may not be looked at as democratic laws for the people. We had good pieces of legislation, the Marriage Act, Domestic Workers Act, which was moved by an Independent Senator. So while we have good, we also have the bad, and therefore we have to look at the bad and see how we can prevent that. We still have the sexual harassment law to come into place. This is why I am looking at Parliament should have the autonomy to say, “Hey, you see this sexual harassment law, we debated it, we want it back on the agenda. We want to get this law somehow proclaimed.” And we should be the one to be calling the timeline. To me, this is what autonomy is, a timeline that we should say, “We need this back in a month’s time.” The women of this country would definitely gain from this.

So therefore, it has always been, and it always remains the case, that if an executive really wants to undermine parliamentary independence, Cabinet has the

available tools to do so, among other things, by under-resourcing, restructuring various branches. So I am saying, to prevent this allegation from being labelled on the Executive, give us the autonomy. You see, executive power cannot be left unchecked. Even recently we realized, even when we were passing laws here with the judge-only trial and jury size, that we had a good debate, and it has gone back to a joint select committee, and this is what good legislation entails.

So where, for example, the Executive seems to bring unconstitutional legislation, you find that section 54 of the Constitution requires support from both Opposition and Independent Benches, so there is that check that we have. So we create a check on any executive overreach.

I have heard in part the argument on the Government side, why fix something if it is not broken, and why in such a short space of time, allow Parliament the space and time to be able to continue functioning as it is. What I am saying is if we could improve democracy; if we could be able to pass laws with full scrutiny, with a team here—we may not be passing laws that are challenging the Privy Council; if we are able to have more financial independence, it could be something that would be beneficial to us all.

I would like to say that this is something I look at, and I mention again, it is an injustice to have, given our duty here. Autonomy should be for us to say in Parliament, we are saying, any Bill coming up here, we have to wait a month, comes a month, to give enough Members time to study it. This is something we should have. Any sort of a Bill that is coming up here, besides having this notice, we should also be able to have the staff to be able to go fully and look into it.

So under section 75(1) of the Constitution, the Cabinet, and I quote:

“...shall have the general direction and control of the Government of Trinidad and Tobago and shall be collectively responsible therefor to



Parliament.”

So Parliament must, therefore, know and exercise some scrutiny over what Government is doing. Since this oversight function of Parliament is enshrined in the Constitution, it should be meaningfully carried out.

It may, as a consequence, be argued that short notice for debate of proposed legislation could prevent the provision of the required degree of meaningful scrutiny and is thereby unconstitutional. A government will not willingly support the establishment of a procedure which could have the effect of limiting its control over the introduction and debate of legislation in Parliament.

As a parliamentarian, I want more time to carry out examination, research, consultation on proposed legislation. I do not want any short notice. I am hoping at the end of the day we are not getting a short notice of hearing, next two days with another Bill, that now I would have to look—how am I going to get this? How am I doing justice to the people? So parliamentary autonomy can facilitate a more formal and structured approach rather than the use of verbal appeals.

Autonomy over spending can lead to the recruitment of trained and experienced researchers and drafters to assist parliamentarians in these two areas. Bringing the Law Reform Commission under the purview of Parliament can provide invaluable expertise in research and drafting to parliamentarians—even the CPO, even the law review commission.

Also, we may have to consider, should a parliamentary service commission be something in the future that could enhance the autonomy by eliminating dependence on the Public Service Commission regarding the recruitment of needed staff?—or the Parliament themselves could hire out their staff. Could an establishment of a joint select committee on Parliament, tasked with the responsibility of examining any proposed legislation, be set in place so that all

legislation that the Government or the Cabinet wants to agree comes to this committee, it is studied before it comes out for debate?

So therefore, I want to support this Motion from the point of view of wanting to fortify the degree of independence we have from any sort of influence and control. As I mentioned in the past, there were certain instances, within this House also, where Speaker, Prime Minister—

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

**Sen. Dr. V. Deyalsingh:** Thank you, Sir. So Parliament, I think, this autonomy Motion—I think Parliament would be fortified. If it is fortified, we can actually be able to get at the shortcomings which I attempted to put forward. I am saying we would be in a better position. We would be in a better position.

I am saying that I, again, wish to thank the parliamentary staff for all the good work they do. I also would like, at this moment, to say I am hoping our movement to bring more autonomy, to bring the finances within your purview, within our purview, can help us, help you, help the population, that we can get a proper review of any legislation, a proper review of any laws that are going forward, so it would not be embarrassing for it to be challenged up to the Privy Council, but we would be able to sort out the intricacies of the laws and its ramifications before it leaves this House, which is the legislative Chamber. Thank you, Sir.

**Hon. Senators:** [*Desk thumping*]

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

**Hon. Senators:** [*Desk thumping*]

**The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne):** Thank you for recognizing me, Mr. President. From the onset, I wish to join with my colleague, Sen. Hislop, in using this opportunity to express

condolences to the Government and people of Guyana, given the tragic developments in that country very recently, and to join with the rest of the Government and the people of Trinidad and Tobago in expressing our solidarity with our Guyanese brothers and sisters.

This has been, thus far, quite an interesting debate. I want to start in a bit of an unusual fashion in commending Sen. Mark for what undoubtedly has been a very consistent campaign of his.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** He has been consistent. But I want to point out to the Opposition Senators, who are happily pounding their tables, that one can be consistent while being misdirected as well.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** I want to begin with a bit of a broad statement and that is that one can be in support of a direction, a motivation, an ethos toward greater parliamentary autonomy, strengthening of our Parliament, whilst at the same time recognizing that this Motion, this formula that the goodly Senator has adopted to advance this issue in the Parliament, is completely misdirected.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** So I just want to put that on the record. So this contribution is not going to be an argument against parliamentary autonomy, because I think, as Sen. Deyalsingh maybe inadvertently has demonstrated with great competence, the fact is that every Member of this Senate clearly has a very disparate view of the details, the formula, the identity of parliamentary autonomy. Because what is that? It is a phrase.

And therefore, Sen. Vieira gave certain concepts, which the Government has taken very close note of, and then Sen. Deyalsingh has come with some radical

notions. Some of them, if applied tomorrow, or if applied within three months, as the prescription is being attempted here, could result in the Parliament resembling the Executive. That is what I heard. Drafting Bills, having the Law Reform Commission under them, setting the agenda and determining when matters would be brought, et cetera, that is where I think Sen. Deyalsingh, whether or not he meant it like that, has sounded all of us a note of caution.

So while we may all wish to see the further strengthening of our democracy, this very prescriptive formula that Sen. Mark is seeking to advance with a resolution:

“...that the Senate call on the Government to introduce in Parliament, within three (3) months, a Bill on Parliamentary Autonomy...a Joint Select Committee...”—et cetera.

I am categorizing that as a misdirected enthusiasm on the part of Sen. Mark. Because at the end of the day what we are describing, or what he is attempting to prescribe, is legislative overreach, where he is seeking to get Senators, including Independent Senators, who understand the Constitution and understand our role as a Legislature, to now—and let me make a preliminary point before I conclude that statement.

After the Attorney General gave his contribution in this debate, I believe the direction should have changed immediately. Because Sen. Mark predicated his presentation on a 2014 to 2018, maybe you could stretch to say, to 2019 position, of a former Parliament, a former Leader of Government Business, a former Attorney General—yes, under the People’s National Movement. He put a lot of stock in that and then attempted to import that position to 2023. That is what Sen. Mark sought to do.

In so doing, he only made three fundamental—he called them a), b) and c)—

three fundamental descriptives of what he views as parliamentary autonomy, and I will take a look at those in passing, Mr. President. But after the Attorney General spoke—and the Attorney General was crystal clear, Mr. President. The AG stated that notwithstanding what would have transpired under a previous Parliament, this Attorney General, this Cabinet, this Government administration is not of the view that a Bill on parliamentary autonomy is appropriate at this time. That is what the Attorney General said. And he did give a commitment that the Government will take on board the sentiments, will take on board the views expressed, will take on board the various recommendations that Senators, particularly Members of the Independents, have shared, and this will shape the Government's disposition forward.

What Sen. Mark has done—and as far as I am concerned, after that contribution, Sen. Mark may have been guided to rise and to request that the Motion be withdrawn at that point. Because now that the Government's position is clear to this Senate and to all Senators, that such a Bill does not form this Government's current policy and priority, what Sen. Mark is asking you to do is, notwithstanding that, to go beyond and to instruct the Government, notwithstanding its stated policy, to bring such a Bill in three months.

That is where, Mr. President, we get into a contemplation of the role of the Legislature, the role of the Senate, the role of Senators vis-à-vis the role of the Executive. I would not want any Senator to be capricious on this matter, because the Government's position and policy on this matter is clear.

This is where I was fascinated by some of Sen. Deyalsingh's prescriptions, because Sen. Deyalsingh is basically saying that he wants to draft law—to conceive of law and draft law. There is a prospect for private Bills, Private Motions, such as we are debating now, but what Sen. Deyalsingh has introduced is

a very new dimension in this particular debate. It really should serve to sound a note of caution to every Senator, that this is not a matter for capricious or emotional responses, and it certainly is not a matter that can lead to support to the resolution proposed by Sen. Mark.

**3.10 p.m.**

But as I said, at the onset, this has been quite a fascinating debate.

Mr. President, I am—some would say I used to be, but I am a medical practitioner and there is a CREDO in medicine, “First, do no harm”. “First, do no harm”. And every contributor to this debate has stood and had praised the Parliament of Trinidad and Tobago, and I want to join them, I do not want to be left out in that regard. Mr. President, I want to say firmly on the record that we have some of the finest staff and officers—

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:**—and parliamentarians in the Commonwealth, and globally, right here in this Red House. That is a fact. No Senator has disputed that.

So going back to my medical analogy, in a sense we have an individual who is performing well, who is working well, who is quite functional, but there is this desire to make him perform better. If it is an athlete, maybe he can run faster, and therefore we have this prescription, let us do surgery on this individual. He is functioning well, he is working well, but maybe we can get more out of him, he can be more efficient, we can be more comfortable, et cetera. But, Mr. President, “first, do no harm”.

Some of the prescriptions I have heard, with all respect to Members of this Senate, are very disparate from each other and if embarked upon capriciously, can result in harm to our constitutional arrangements. Some of the prescriptions I have heard will lead—and there was some reference to a Motion to come, which I would

not focus on at this moment—can lead to a blurring of the lines of the separation of powers in Trinidad and Tobago. So I do not want anyone to feel that this is a light matter, or that the Government can somehow be compelled to formulate a Bill, or bring the old Bill and let us take it to JSC, this demands—and the Attorney General, our new Attorney General, has requested further time to contemplate, to study and to determine where we will go next with this. “First, do no harm”.

Mr. President, we have had contributions by Senators Lyder—well, Sen. Mark to begin with, Senators Lyder, Smith and Lutchmedial from the Opposition Bench on this particular Motion, and their contributions were replete with the references to strengthening democracy and guarding against autocracy. In fact, in Sen. Mark’s first 30 seconds, not uncharacteristically, in his first 30 seconds, these some of the phrases that he introduced into this debate on parliamentary autonomy:

“...tyranny.”

“...it will lead to tyranny.”

I am quoting here, Mr. President, from the *Hansard*:

“It will lead to unfettered dictatorship. That is why Louis XIV of France lost his head; he was beheaded... ‘I am the state and the state is me’.”

Quoting. Mr. President, this in the proud, stable parliamentary democracy of Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** And if you were an alien, Mr. President, descending upon earth from Alpha Centauri or Vega, or wherever you have come from, and you listen to Sen. Mark and some of his colleagues, you could be mistaken for feeling that the UNC somehow is the bastion of democracy in Trinidad and Tobago and is the most serious about our parliamentary system. But, Mr. President, history has taught us that nothing could be further from the truth—

nothing could be further from the truth. The UNC is one of the least democratic political organizations in this country at this time.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** Time and time again, that political party has demonstrated scant regard for this Parliament and the role of Senators—time and time again, including disrespect for the offices of the Parliament. I would not specify further, Mr. President, but it is relevant to this debate. Because you cannot come here and pretend to be a champion of the Parliament and a champion of parliamentary autocracy, while simultaneously on your social media and your videos and all of this, demonstrating flagrant disregard and disrespect to the same Parliament and the same offices. I am not accepting that and I am not going to allow this debate to pass without that being called out, because that is required at this time. It starts with example, Mr. President, and well, history will be the judge of the type of example that is being set.

The current Opposition, Mr. President—I do not want to be too rough but I have to be truthful. The current Opposition has demonstrated a propensity at times to violate Standing Orders repeatedly in this same Parliament, and we are talking about autocracy. So given the arrangements that we have; given to praise that we have for the staff, et cetera, a good start, a great start, Sen. Mark and colleagues, would be to demonstrate respect for the Parliament that we have now before we talk about the Parliament of the future.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. A. Browne:** It begins with example. And I will not go further to reference the Private Motion that Sen. Vieira was pressed to bring, which succeeded, which was passed, and I heard again Sen. Deyalsingh talk about Private Motions sometimes are not implemented and so on. Well, let us see where we go



with that one, because that was assented to and there were certain follow-up measures that were required. So, Mr. President, I am just putting a little bit of a different dimension here and cautioning Senators, they understand their role, they understand our constitutional remit. This Motion is not well cast. And you can support the concept, you can support the objective of a more autonomous Parliament, whilst at the same time recognizing that this Motion, as currently worded, cannot and should not be supported by the Senate of Trinidad and Tobago. I am putting that squarely on the record.

Mr. President, there are a few other facts that I would like to put on the record of this debate. Sen. Mark put a lot of emphasis on trying to use this Motion and use this Senate to basically compel the Executive to a policy position that the AG has stated is not the Government's policy position.

And what about this issue of consistency? Because I think one of the objectives the Opposition would have achieved in this debate would be to demonstrate that the Government's policy position today is not identical to the one that would have been advanced in 2018, and rightfully so. There was some degree of illumination, heavy weather, made of this issue. Fine, that is the reality. The current position has been identified. But at the same time, I will not remain here and be lectured by this United National Congress Bench on the issue of remaining consistent in government policy. And I will give three examples, Mr. President, which will demonstrate that on the issue of policy consistency, the last party to speak should be the United National Congress.

**3.20 p.m.**

You would recall, Mr. President, when a former Prime Minister of this country, Kamla Persad-Bissessar, told this nation that she would use the Diplomatic Centre as a shelter for social cases. You all recall that, Mr. President?

**Sen. Gopee-Scoon:** Yes.

**Sen. The Hon. Dr. A. Browne:** Not drawing you into the debate. Did that ever happen? It never, ever occurred, a complete reversal. It was the UNC's or PP's Prime Minister who committed in writing to lower the age of senior citizens' pension to 60 years. Did that ever happened? It never happened and that was committed writing. And, Mr. President, I am not talking about from one administration to the subsequent one—well, they never had two subsequent administrations, so I guess that does not arise. But you are talking about within one parliamentary term, there were reversals of policy demonstrated by those associated with Members on the Opposition Bench. And it was their Minister of Justice who told Trinidad and Tobago that he was publicly advocating for persons to be hanged in Woodford Square at 6:00 or 7.00 a.m. in the morning. Those are his words, 6:00 or 7.00 a.m. in the morning. Did that ever happen, Mr. President? That never happened at all.

So on the issue of consistency, the UNC has demonstrated, as have other administrations, that as circumstances evolved, as personnel changed, a new Attorney General, new Ministers—there are new Members of the Independent Bench as well who were not here in that Parliament. So to import that position and somehow try to get this Senate to enforce a policy which is not the position of this Government, this administration, is a clear demonstration of overreach, and I do not think this Senate should support—while we have our views on autonomy as an objective, to support this Motion as worded by Sen. Mark. And as I said, those examples are within one administration not across.

So this Parliament—the record is clear, Mr. President. The Standing Orders have been well updated and I congratulate those Members who were part of that process and those who led that process. We are benefiting from that today. And in

the operation of the Parliament we stand proud above many of our peers, Mr. President. I have all the facts here. There are parliaments and staff who come here, Clerks of the Senate and Clerks of lower houses who come here to examine and learn from us. These are realities we should be proud of. The senior officers in the Parliament, I will describe it like that, are exemplary in their neutrality and their roles in support of Senators and Members of Parliament—exemplary. That is something we should be proud of, Mr. President.

The Parliament has its own separate Head of Expenditure. We did not hear that from Sen. Mark or Sen. Lutchmedial. That is a reality. That is part of the evolution that we are benefiting from, and that is autonomy. Because autonomy is not a destination, it is a journey on which we have embarked many years ago since Independence and we are continuing today.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** What Sen. Mark is attempting to do is, in my view, violating the principle of “first, do no harm”. And I congratulate Sen. Deyalsingh for demonstrating some of the weaknesses in this very prescriptive and abrupt three-month formula that Sen. Mark is seeking to compel the Executive towards and is asking Senators to join with him in that compulsion.

The committee system, Mr. President, I am not going to regale the details, is alive and well. And I just ask the staff here to tell me, I know we have been busy. I know there are Senators here who, every time I turn on the parliamentary Channel, some of them are like, you know, everyday appearing before these committees. And that is a sign of a strong Parliament. Not appearing before, sorry, participating in the work of these committees.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** Mr. President, I ask the question: How many

committee meetings have we parliamentarians participated in from August 2020—so during this Parliament—August 2020 to present? Mr. President, 188 committee meetings. That is a volume of work that compares very well to other parliaments. Certainly those in the Commonwealth Caribbean can basically envy our performance. So this is an athlete that is working quite well, Mr. President, and therefore there is no room for distress or rumination. And we kept asking the question—and I think Sen. Lutchmedial found herself on that margin a little bit, if I listened to her carefully enough, where she was saying the Parliament is working well but hopefully if we do this we can solve some of the challenges that can come in the future. I was not persuaded, Mr. President, that this formula is the prescription for that. Did I—well, okay. The Senator has a different view. Fair enough.

Mr. President, in terms of staffing, and I asked the questions—I did the research. I spoke to the staff. Has there been micromanagement? A direct question, Mr. President. Has there been micromanagement of the staffing selections and decisions of this Parliament in Trinidad and Tobago? The definitive answer was, no, not at all.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. A. Browne:** Not at all. Has there been micromanagement or manipulation of overseas travel by officers of this Parliament, including Members of the Senate, including those we may not agree with every day? Those who may not support us every day, has there been any assertion or complaint of micromanagement?

**Hon. Senator:** No.

**Sen. The Hon. Dr. A. Browne:** None whatsoever, Mr. President. Those are the facts. What about funding? Has the Parliament requested or sought funding that it

has not received for projects, infrastructure, works? Any source of complaint or burden or urgency that within three months we need to cure this thing right away? Mr. President, the answer across the board, based on my interactions, which are fallible but I made best effort, none whatsoever. No micromanagement, no such interference.

And again, I do not want hark back too much to Sen. Deyalsingh because he made valiant efforts here today, but what I heard him describing or advocating for, and it makes the point that we all have such disparate views on this matter, was—would take a parliament, and I do not think it is this one, but take a parliament beyond other arms of the infrastructure of this country. It would take the Parliament beyond the THA. You all realize that? If you listen carefully—in terms of somehow being able to generate revenue independent of the Executive or not being the subject of the budgetary approval process which takes place, guess where? Right here in the Parliament, Mr. President. And I do not want to draw the Judiciary in but the same applies as well to these independent arms of the State.

So there are some realities—as much as we may be aspirational and would like to lean into the future, there are certain realities that simply cannot be escaped, such as funding that would come from the Consolidated Fund. But again, I ask the question: Is there a mischief here to cure, Mr. President? The answer that came back to me from the officers of this Parliament, there is no such mischief at hand. So it really is a bit of contrived case and I certainly have not been persuaded by Sen. Mark's formula.

In terms of funding, between 2015 and the present, \$1.4 billion was approved for this Parliament. And I would dare say that money has been very well applied and efficiently applied by the responsible officers, including the accounting officer. There is no mischief there to solve whatsoever.

So, Mr. President, I mean, I could go in further to dissect Sen. Lyder's contribution and others, but I think the crossing-cutting theme is that—and Sen. Lyder said, we must take urgent action to defend the separation of powers and the democracy, but gave no rationale, no clear mischief, no misbehaviour, no overstepping, no intrusion, no examples of micromanagement or interference to support such urgent action.

So is this a matter that we should be discussing? Yes. Is this a matter that requires the contemplation of all parliamentarians and officers of the Parliament and the State? Yes. Is this a matter that the Government is concentrating on and giving consideration to? The Attorney General told us; the answer is yes. Is this a matter at this stage, given the contributions presented thus far, that could culminate in support for Senate voting the Government to introduce into the Parliament, within three months, a Bill, which is contrary to the Executive's policy at this time, and have same referred to a JSC for consideration and report? The answer has to be, no, Mr. President. We have not arrived at that stage.

So I would just want to touch on one further issue, Mr. President, and that is the training that our staff continues to benefit from. There has been extensive and there is ongoing training for members of staff of our Parliament. That is another key element towards strengthening our parliamentary arrangements and strengthening our democracy. And our officers have been performing well in those trainings. Again, there has been no micro-selection or any such interference. The Parliament has had a free and unfettered hand in developing its officers, in developing its cadre of distinguished servants to ensure that we continue to benefit.

I heard comments about research—the need for research assistants. And trust me, the Members of the Opposition and the Independent Bench are not the only ones who sometimes aspire and hope for additional fortification. That is a

fact. That is a reality. But, you know, I ask the questions, Mr. President, we have a fully functional and equipped and well-staffed library here at this Parliament and there are research assistants available, research officers available. You know what the feedback has been, despite some of the sentiments expressed here? They, at times, are underutilized. They are underutilized. Just like the—I do not want to be facetious—the gym at the Parliament is also, I am told, underutilized, and I wonder if all of us are aware of these—guilty as charged—facilities and aware of what is being offered. So the answer to some of the questions that arose is that there are resources available that do not require any Bill to cure, that require us to show some initiative to take advantage of these resources.

So some of those, such as the research support that is available, I do not know if sometimes Senators might just feel that sense of independent responsibility to do it themselves, but there is help at hand and the response from those individuals is that they could be more fully utilized. So maybe that is invitation. So I am just saying that the cure for every malady or perceived malady does not require surgery. Sometimes there are less intrusive, less damaging, less dangerous remedies that can be applied which would not cause potential collapse to the balance of functions in the body that we are referring to.

**3.35 p.m.**

That, Mr. President, is the premise of my case to this Senate today.

So I have not engaged in any personal attacks against Sen. Mark or any of his colleagues. That simply is not my style. I began—

*[Sen. Thompson-Ahye stands]*

**Mr. President:** Minister, there is a Senator that would ask to give way.

**Sen. The Hon. Dr. A. Browne:** Certainly.

**Sen. Thompson-Ahye:** Thank you. If I may, I am just trying to get a firm

commitment from you or firm words. I am giving you back your words so that you can respond. Now, you said there is no support for this Motion as worded. Implicit in that is that there is support, and as worded seems, to me, that you are talking about a modification or an alternative wording. You also said that this formula is not the prescription. As a medical doctor, are you saying that there is in fact an illness that requires some medication but this is not it? Is it that you want to identify some of the shortcomings that you feel could be handled but in another way?

**Sen. The Hon. Dr. A. Browne:** Thank you very much. Perfect, perfect, questions, Mr. President. First of all, no, I have no modification. As I have said, this Motion—I have commended the ethos, I have commended the overall intent and consistency, but I have made it quite clear that this formula, bringing a Motion seeking to instruct the Government to bring a Bill is not the formula to treat with this complex matter. And all we would be doing is inviting further confusion and potential calamity. We have a Motion coming up. Again, I do not want to be tempted into anticipation, which will, I think—

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

**Sen. The Hon. Dr. A. Browne:** We have matters that may arise in the near future that would cause us potentially to even review our discussions here. I just want to commend—we are talking a lot of medical analogy, first, do no harm. And sometimes with the best intent, forcing this approach can result in tremendous difficulty. We are seeing it, talk of government of Tobago, all sorts of other concepts that are on the national landscape at this time.

Is there an illness to be cured? My position is there is no illness.. There is a well-functioning body. There is a strong and stable democracy. There is a Parliament that is working very well, that rises above its peers within the



Commonwealth Caribbean, and even elsewhere—

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:**—that can be improved. And my premise is the road map for improvement does not begin here. It really begins with the Attorney General's contribution, when he indicated that all of these contributions, all of these sentiments, will be further distilled, and this Parliament will hear further on the matter.

One possibility—and I am not stating this as a commitment because I have to be guided by the legal advisor to the Cabinet. One possibility that we have not applied sufficiently in our Senate and our Parliament is the concept of a study group on a thematic area that we might have a broad agreement on, something like strengthening the Parliament, but the details of which there is no consensus at this time that could even conceivably be condensed into a Bill or a piece of legislation. And think Sen. Deyalsingh gave a crystal clear example of that. Sorry, Sen. Deyalsingh. He gave a crystal clear example of that.

So that is a possibility, to answer your question, Madam Sen. Thompson-Ahye. That is a possibility. Again, as the Attorney General has stated on the record, he would require, as a relatively new Attorney General, some more time. Having benefited from these inputs—and I do not want us to be pressed to the wall as if there is some ultimatum here, either we support the Motion or we discard the issue of parliamentary autonomy, or the objective, or the pursuit of strengthening our parliamentary arrangement. That is not the question that is before us, and I want to reassure Senators that is not the decision that you are being called upon to make.

Mr. President, I think I have given—I have made use of most of my time, I just want to end where I began, and to say that I have not engaged in any personal

attacks against Sen. Mark or his colleagues, but what I have demonstrated, or sought to demonstrate, is that this consistent attempt at this time with this formula is completely—

[*Sen. Thompson-Ahye stands*]

**Sen. The Hon. Dr. A. Browne:** Mr. President, injury time, maybe? Senator.

**Sen. Thompson-Ahye:** So are we getting from you that you are open to suggestions being made, you know, on the way forward, in the future, that we can actually, you know, continue?

**Sen. The Hon. Dr. A. Browne:** Madam Senator, thank you, that is exactly what I am saying. This is a Government that cares, this is a Government that responds, this is a Government that is—

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** —interested in the future, and as Leader of Government Business, on my immediate right is a very, very progressive Attorney General.

**Sen. Mitchell:** Yes, yes.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. Dr. A. Browne:** We work with a very progressive Bench and Cabinet. We are not in the business of just folding arms and saying, “Leave it exactly as it is.” At the same time, we are not in the business of commingling roles and responsibilities and galloping into a matter that would really benefit from a different type of exchange and rumination, notwithstanding the best of intentions by some other Senators that might be present. Mr. President, I thank you.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Sen. Mark.

**Sen. Wade Mark:** Thank you, Mr. President. Mr. President, I would like to, first

of all, thank all of those colleagues who have contributed to this Motion. I think we—from my check, Mr. President, I checked around 11 of us, including the mover of the Motion. Mr. President, I am a democrat, and all that my colleagues on the other side, that is the PNM, have enunciated on is what exists in our Parliament today, or the committee system. We mentioned the strategic plans. My colleague from Tobago talked about guidelines and objectives, in terms of achievements and goals that we want to achieve in the future, all aimed at strengthening the Parliament. I want to say, Mr. President, every progressive step that has been taken in this Parliament came essentially when two UNC administrations occupied office—

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:**—Basdeo Panday between 1995 and 2001, and the hon. Kamla Persad-Bissessar SC. This PNM Government, from the incarnation to the present, has never promoted parliamentary independence and democracy in T&T. It took a UNC-led administration to bring about a revolution after 53 years of PNM rule. We brought about a fundamental reform of our Standing Orders. And that is why every utterance coming from the lips of my colleagues, they have to locate it within a framework, but they are so shameless that they do not want to admit, Mr. President, that it was the UNC that brought about all the changes that we are experiencing today.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** Mr. President, I just want to say, or I would like to advance, it was Ramesh Maharaj as Attorney General who established a joint select committee to look at the whole management of the operations of our Parliament. A joint select committee was established. I served on that Committee. We reached so far but we could not go further. The PNM came under Patrick Manning, they never continued

any progress as it relates to advancing parliamentary independence, parliamentary autonomy. Not a single step from 2001/2002 to 2010. They did nothing; nothing to improve parliamentary life, parliamentary autonomy, parliamentary democracy.

We in the UNC, in 2010 to 2015, brought about major fundamental, revolutionary changes to our parliamentary system. And today, when you hear our colleagues on the Independent—on the Government Bench, rather, Mr. President, I am aghast, as if, for instance, Mr. President, no understanding, no appreciation of the depth, breadth and extent to which we need to change and bring about what our Constitution says is required.

Mr. President, we are not begging for parliamentary autonomy. Parliamentary autonomy is in the very structure of our Constitution. When we talk about the separation of powers, it is entrenched in the very structure of our Constitution, where we talk about three arms or organs of the State. The Executive has its authority. They have a Cabinet. They meet every Thursday. They take all the decisions. Nobody interrupts their power. We have the Judiciary with their own independence and their own power.

But when it comes to the Parliament, Mr. President, we have problems. We have problems. We do not want to give the Parliament, the Legislature, the autonomy and the independence that it requires and it demands because of the structure of our Constitution. So we have to come here for the last few years literally begging, imploring for what is entrenched and enshrined in the Constitution of the Republic of Trinidad and Tobago. But the PNM does not want to give effect to what is contained in our Constitution. And all kinds of excuses, Mr. President, to justify the indefensible, that is we are having here.

Mr. President, as a democrat, I want to propose an amendment to my Motion. Mr. President, the amendment reads as follows in the Second Resolution:

By deleting the words “within three (3) months” and substituting the words “within six (6) months but no later than November 30, 2023”.

**Hon. Senators:** [*Desk thumping*]

**3.50 p.m.**

So the Government is saying, Mr. President, that the time period is too short. We are prepared and we have put forward an amendment to my Motion to extend it by three months but no later than the 30<sup>th</sup> of November, 2023. Because the Government has had almost six years, Mr. President, to address this issue—six years. So we would like the Government, Mr. President, to address that. And I think it is a very reasonable proposal that we have advanced, because all we are getting from the Government is, the conversation must continue. They are not very specific on anything. So that is a clear indication that the Government is not interested in parliamentary autonomy. They are not interested in parliamentary independence, because if you were interested you would have given us a time frame. You cannot tell us to just wait on an Attorney General, who at times suffers from amnesia, to come here and tell us, “Wait, it is in conversation.” And my good friend, former Member of San Fernando East, Minister of Tourism, Culture and the Arts, he said, “It eh broke, so doh fix it.” Right? So something has to be broken, Mr. President, to fix it. That is what my friend said.

Mr. President, I would like to say that when we look at the literature on parliamentary autonomy, it is clear, Mr. President, that the PNM recognizes the importance of it. Look how they are treating the dead. No respect for the dead.

**Hon. Senators:** [*Crosstalk*]

**Sen. W. Mark:** Franklin Khan, may his soul rest in peace—

**Hon. Senators:** [*Crosstalk*]

**Sen. W. Mark:** Franklin Khan, may his soul rest in peace, he got up there a few

years ago, he was then Chairman of the PNM, he spoke with authority, he was the Leader of Government Business, he was a Minister with responsibility for Energy and Energy Industries. And Franklin Khan totally embraced, on behalf of the Dr. Rowley administration, parliamentary autonomy for this Parliament. And we have this bunch, this new bunch, this new group on the block castigating, saying that, what Franklin said had nothing to do with them, they are a new group. So whatever “he said, it dead because he dead”. Mr. President, where is the continuity? Mr. President, where is the continuity?

**Hon. Senators:** [*Crosstalk*]

**Sen. W. Mark:** I thought, Mr. President—

**Hon. Senators:** [*Crosstalk*]

**Sen. W. Mark:** I thought, Mr. President, that we would have had what is called continuity.

**Hon. Senators:** [*Crosstalk*]

**Mr. President:** Senators, Senators—

**Sen. Lyder:** Mr. President, protect my colleague.

**Mr. President:** Sen. Lyder, take your seat.

**Sen. Lyder:** Yes. Thank you, Mr. President.

**Mr. President:** It is absolutely no reason to raise our voices over the speaker that is contributing. If there is a point of order, there is a procedure. Continue, Sen. Mark.

**Sen. W. Mark:** Yeah, Mr. President, I would have thought that there was going to be continuity in government. It is not to say that the PNM lost the elections in 2020 and a new government came into being in 2020. They continued in Government after the last elections. So new persons have taken over and they are in charge. But, Mr. President, there is something called continuity in government.

And somebody raised the point, I think it was Sen. Dr. Deyalsingh, he made the point about contempt; contempt.

Mr. President, the Parliament passed unanimously a Motion and the Executive arm of the State that is supposed to implement the collective will of the Senate blatantly refused. They showed utter contempt for the people and for their Parliament. And rather than repent as an act of contrition, the Government comes here today, Mr. President, and they have taken a more aggressive stance in their opposition to a concept that the late Patrick Manning, the former Prime Minister, may his soul rest in the peace—

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:**—when he attended the Abuja conference, heads of government conference, he signed off on the Latimer House Principles, recognizing the need for us to have an independent autonomous Parliament. So they reject what Mr. Manning has done, have they? But that is binding on Trinidad and Tobago. It is binding on Trinidad and Tobago.

Mr. President, I am emotional, right, you know why? Because I understand what parliamentary autonomy is all about. I understand what it means to a country's democracy. I will give you an example. Sen. Hislop, you mentioned about, in your contribution, that the Government or the Parliament has not had any interference from the Executive, we have not seen any signs of that, things are running smoothly. I want to tell you, Mr. President, when the rehabilitation and renovation of this building that we are occupying commenced years and years ago, it was under the control of the Members of Parliament.

The Members of Parliament and the staff of Parliament are the collective owners of the Parliament on behalf of the people. It is the Members of Parliament and the staff of Parliament who owns the Parliament. They are in charge of the

Parliament, not the Executive. The Executive is not in charge of the Parliament. And, Mr. President, when the renovation of our Parliament begun, you know who was in charge of the renovation and giving direction for the renovation and determining everything for the Parliament? The parliamentarians. They established a Joint Select Committee on Parliamentary Accommodation. We were in charge. I was then Speaker of the House, I was the Chairman of that Committee.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** It had the PNM, it had the Independent, it had the Opposition, and they were the ones executing, navigating all the plans for the Parliament. They wanted to build an administrative building, where this place called national security is located. So what Sen. Dr. Deyalsingh spoke about, there will be enough offices for each Member of Parliament, elected and appointed. That is what the Members of Parliament said they wanted. They did not wanted Cabildo Chambers. They wanted to build a six-storey administrative structure for Parliament.

The PNM, under Dr. Keith Rowley, the Prime Minister, took complete control of the Parliament away from the parliamentarians. That is why, Mr. President, the Parliament had no control over the renovation and the rehabilitation of the Red House. It was a project executed by the UDeCOTT, and the Prime Minister is in charge of UDeCOTT, and UDeCOTT was the project manager and the Prime Minister was the man in charge. We never had any role. I can tell you for the record when this humble servant of yours was the Speaker, the Parliament had complete control over the Parliament and its rehabilitation work. I fought, I struggled and I got the support of the Executive to maintain independence of the Parliament, and no executive could have come and take charge of the Parliament. We were in charge of the Parliament. The PNM came and they hijacked the



project. And that is why we have no say, “roof leaking, thing falling”, we have no say. No Member of Parliament had no role to play in the Parliament. So when you say about the Government not interfering, Mr. President, it is wrong. The Government not only interfered, they took control and dominated the whole project, half a billion dollars.

And I want to tell my good friend, Sen. The Hon. Dr. Amery Browne, having a Head of Expenditure does not make it autonomous—does not make the Parliament autonomous. A Head of Expenditure does not make a Parliament autonomous. You know, the Ministry that you head, Foreign and CARICOM Affairs, you know you have a Head of Expenditure? Does that make the Ministry of Foreign and CARICOM Affairs autonomous? The Ministry of Foreign and CARICOM Affairs is an arm, a foot, an eye of the Cabinet. They are under the complete control of a Cabinet and a Prime Minister. That is the difference between a Parliament and a Ministry.

A Parliament is an independent organ of the State, having the same rank as the Judiciary, having the same rank as the Executive. We are independent under our Constitution and we are not in the back pocket of any executive, understand that. So when my colleague, the Minister of Foreign and CARICOM Affairs, talked about capricious, and he will not stand ideally by and allow us to impose our will on the Executive, the Executive is just a passenger on the Parliament train.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** You are just a passenger on the parliamentary train. We are in charge. The Speaker is the boss.

**Hon. Senators:** [*Laughter*]

**Sen. W. Mark:** We are in charge. The hon. Speaker is in charge of the Parliament. The hon. President is in charge of the Parliament. All the staff are in charge of the

Parliament. All Members of Parliament are in charge of the Parliament, “not no executive”. So, Sen. The. Hon. Dr. Browne, Minister of Foreign and CARICOM Affairs, you have it all wrong, you have it all wrong, and I am surprised. But I think maybe I have a little more experienced than you in this field.

So let us get it clear, Mr. President, the Parliament is an independent organ of the State and we do not depend on any executive for favours. It will take a UNC government—

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:**—to restore and to establish full parliamentary autonomy in Trinidad and Tobago. We will establish parliamentary autonomy.

**4.05 p.m.**

Mr. President, let me tell my friends that when we talk about budgetary independence, or budget autonomy, or what is called financial autonomy, we are not just talking about a Head of Expenditure. That is for a Ministry. We are not a Ministry. We are not a government department. We are not a government agency. Mr. President, in autonomous Parliaments, the budgetary allocation is decided upon by two Houses of Parliament in the United Kingdom. And if we—and when we receive budgetary autonomy and financial autonomy, it will be us here in the both Houses of Parliament who will vote on our estimates, not the Ministry of Finance approving that for us. We—well, you do not understand. That is why I appreciate. The ignorance is steering me nakedly in the face.

**Hon. Senators:** [*Desk thumping and laughter*]

**Mr. President:** Sen. Mark. Sen. Mark, just temper the language a little bit.

**Sen. W. Mark:** Mr. President, it is clear that the Government does not understand, the Attorney General does not understand, the Minister of the Foreign and CARICOM Affairs does not understand, and its Bench does not appreciate the

significance and the importance of having an independent Parliament. When we talk about financial autonomy, we are saying that the Parliament must determine its own budget. The Clerk will sit with us in different Houses and we will tell the Clerk, and the Clerk will tell us, what are the items on the Heads of the various areas that we want to focus on. And if it comes up to 10, 15 items, and the total sum, Mr. President, is \$250 million or \$500 million, that is what we will vote on—debate and vote on.

Have we ever as a Parliament, independent of a budget debate—have we as a Parliament, as parliamentarians, ever sat and debated our own budget? That is what parliamentary financial independence is about, where we sit in two separate Houses with our own estimates and we debate it, we change it, and then we pass it. And when we pass that, it goes to the Clerk, and the Clerk sends it to the Minister of Finance because he is a Member of Parliament. And when it goes to the Minister of Finance, not a full stop, not a comma, not a cent could be removed. That is independence. That is parliamentary autonomy. That is parliamentary independence.

**Hon. Senator:** Who has the majority?

**Sen. W. Mark:** So, Mr. President, it is clear to me that at this stage the Government does not appear to have an interest in this subject matter. And the same approach that they took in denying the voters of Trinidad the right to exercise their franchise in local elections and substituted themselves, the Cabinet, for the people, is the same approach they are taking to parliamentary autonomy. They are saying the Executive is in charge. The Executive is not in charge.

Mr. President, I just to quote from a report that I thought colleagues would have looked at. It is a report of the Joint Select Committee, Mr. President, on the Parliamentary Service Authority Bill, and it is a parliamentary paper that you can

find on the website and the date is 2014. And on page 31 of that report, hear what is stated.

“Parliamentary reform.

Reform in the Parliament of Trinidad and Tobago is long overdue.”

This was in 2014.

“Since independence, over half a century ago, parliament has effectively been an adjunct of the executive government unable to freely appoint its own staff....”

Sen. Hislop, the Parliament cannot appoint its own staff.

“...or with powers to raise the financial resource it requires. Nor is it free”—Mr. President—“to determine its own internal governance arrangements. For such matters, it depends on the government...”—which is the Executive—“...just as a government ministry does.”

This is a fact, Mr. President. The Parliament operates as a Ministry of the Government, and that is why my colleagues fail to appreciate the fundamental distinction when we examine the principle of the separation of powers.

They are of the view—my colleagues on the PNM Bench, they are of the view that the Parliament must dance to the drumbeat of the Executive. No. No. That does not happen in America. It does not happen in India. It does not happen in New Zealand. It does not happen in England. Well, England is a little different as you know because the Parliament is king, supreme. But in those countries where you have written constitutions, like Australia, like New Zealand—New Zealand, they are not written fully, but New Zealand nevertheless. You have India, you have Malaysia. What you have, Mr. President, are autonomous parliaments, and we are arguing, we are submitting, that the Government should get serious. But if you drink from the cup of dictatorial rule, how do you expect to appreciate

the richness of democracy?

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** “How you expect” to understand the essence of democracy in a country? When we hear, Mr. President, the remarks made by our colleagues on the Government Bench, you realize, Mr. President, that they have no interest in strengthening our democracy.

Mr. President, may I advise you that before the United National Congress, under the People’s Partnership, reformed our Standing Orders, you know what used to happen when you had a Standing Finance Committee? The Marshal would come to the Speaker, and say, “Mr. Speaker, you have to vacate the Chair because we are going into Standing Finance Committee.” And Standing Finance Committee, under the PNM, for 53 years was never exposed to the population of Trinidad and Tobago. It was a secret society. It was a lodge. It was only in 2014, for the first time in Trinidad and Tobago, anybody, any part of the world, could have seen live and direct proceedings of the Standing Finance Committee. Before that, I was Speaker. I was told, Mr. President, when I was Speaker in 2012, in 2011, in 2010, and up to 2013, “Speaker, you have to retire because the Minister of Finance is now going to take charge of the Standing Finance Committee proceedings.”

So the Minister of Finance took my Chair and he carried on, and, Mr. President, in complete darkness. You know, in *The Washington Post* the by-line reads:

“Democracy Dies in Darkness”.

And that is the darkness that the PNM brought for 53 years in Trinidad and Tobago, Mr. President.

You as the presiding officer had to retire, Mr. President, and the Minister of

Finance took charge, and within four hours they will knock on your door, Mr. President, and say, “You can come back.” And during that four hours, blackout, no in camera, no member of the public can see what was happening to their budget, where was—where we are seeking national security, agriculture, health, nothing. It was the UNC that brought the sunshine.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** We brought sunshine to the whole democracy in this country. We brought the rays of transparency, accountability, probity, into the arena of our country.

So when my colleague, Mr. President—when my colleague, Sen. The Hon. Dr. Amery Browne says that the UNC is one of the most undemocratic parties, I think he was talking about the PNM. He was talking about the PNM. Because for 53 years, Mr. President, they plunked the people from any access to the media to follow Standing Finance Committee. Mr. President, if you are in Zealand, if you are in Albania, and that Standing Finance Committee is in progress, you can switch on and follow everything. Not under the PNM. And I could understand, Mr. President, why they are opposed to parliamentary autonomy because it is not part of their DNA. Their DNA is to take away the rights of the people and substitute themselves as they did in the local government.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** That is why the Law Lords told them, back off, and that is why the mathematics of the AG does not make sense. He said three people voted in the Appeal Court—two voted, five more than three.

So, Mr. President, I would like to tell my friends on the other side that what this Motion is about is essentially giving effect to the structure and the provisions of our Constitution. That is all this Motion is about. And everybody should

embrace it because the Constitution is what is the supreme law of the land. It is the Constitution that talks about the three organs of the State, and all this Motion is doing, Mr. President, is giving effect to our Constitution. So all this hullabaloo that our colleagues are talking about, it is not making sense. It is not adding up. All our colleagues have to do is to give effect to the Constitution, which is the supreme law of the land, and all of us took an oath to uphold our Constitution and our law. And that is all this Motion is saying.

This Motion is not asking for anything new. We are just saying, “Listen, the Parliament, Mr. President, must now take its rightful place, consistent with the Constitution.”

**4.20 p.m.**

That is all we are saying. We are not asking, we are not begging. So I think that colleagues and friends on the other side, they did not properly understand what we are talking about. They have not read the Constitution. They do not understand the Constitution of our nation. I want to thank Sen. Vieira because Sen. Vieira understands the importance of giving the Parliament the autonomy it deserves. Of course he recognizes, as I did, there is in fact a relationship, there is overlapping. Let us understand that, we appreciate that. But what we recognize is that the Parliament must stand on its own strengths.

**Mr. President:** So, Sen. Mark, you have five more minutes. Before I let you continue and before you actually use the procedure that properly moves the Motion, there is another procedure that you need to move in order to properly amend the Motion. Are you aware of it?

**Sen. W. Mark:** Well, I have the—“ah doh” have the procedure but I have the—

**Mr. President:** Yes, so you have it. So your final words would be to properly amend the Motion and then properly move the Motion.

**Sen. W. Mark:** Yes, I will. So thank you, Mr. President. I am aware. Thank you. So, Mr. President, as I said, we have been labouring in the vineyard because I recall Sen. Paul Richards, I remember Sen. Vieira, distinctly being here when we piloted, promoted this particular Motion back in 2016, 2017. So this is not something that we just did overnight, we have been at this thing for the last eight years. This is the eighth year under the PNM that I have brought the third Motion, Private Members' Motion to just get the PNM to agree to give effect to the provisions of our Constitution. That is all I am asking the PNM to do, to give effect to our Constitution.

So, Mr. President, I think I have made my case. I think I have put my case for the third consecutive occasion in the last eight years. I appeal to the Government, adhere to the Constitution, uphold the Constitution. The Constitution is the supreme law of the land; the Constitution recognizes the separation of powers; the Constitution recognizes that the Parliament is an independent organ like its counterpart, the Executive and the Judiciary. We stand shoulder to shoulder to the Executive and to the Judiciary. We are not inferior to any one of them and we are not superior to any one of them, we are equal, so do not treat us like "ah bastard child". Do not tell us that we have to wait on you and if you do not approve it, then the Parliament "cyah" get through. You are out of line, out of order, out of place.

So, Mr. President, in closing, let me, just as you kindly advised your colleague, I wish to move the following amendment, Mr. President, to my Motion. In the Recital under the Second Resolution, I move:

By the deleting the words "within three months" and substituting the words "within six months but not later than November 30, 2023".

I so move this amendment, Mr. President, and I ask for—well, you will know what



to do.

**Mr. President:** Is there a seconder to this amendment? Sen. John.

*Seconded by Sen. John.*

**Mr. President:** The amendment to the Motion has been seconded by Sen. John.  
Sen. Mark.

*Question, on amendment, proposed.*

**Sen. W. Mark:** Mr. President, I want to thank you, I want to thank my colleagues, I want to thank all my colleagues on the Independent Bench who spoke on this Motion, I want to thank all of my colleagues on the Government Bench who spoke on this Motion. I want to tell my colleagues on the Government Bench that they are mistaken. I think they are misguided and I believe that they need to give consideration, deep consideration to this amendment, to the Motion because we are talking about effecting the provisions of our Constitution to give effect to parliamentary autonomy which is entrenched and enshrined in our Constitution, but we never gave effect to it.

Mr. President, I thank you very much.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Sen. Mark, as much you thanked me very much, those are not the magic words.

**Sen. W. Mark:** I beg to move, Mr. President.

**Mr. President:** There you go. Thank you very much, Sen. Mark.

**Sen. W. Mark:** Thank you very much.

**Mr. President:** Hon. Senators, I will first put the question to the proposed amendment by Sen. Mark.

*Question, on amendment, put.*

**Sen. Mark:** No, we want a division.

Parliamentary Autonomy  
Sen. Mark (cont'd)

*The Senate divided:*      Ayes 15                  Noes 15

AYES

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Lyder, D.

Roberts, A.

Richards, Dr. P.

Vieira SC, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye, Mrs. H.

Dillon-Remy, Dr. M.

Welch, E.

NOES

Browne, Hon. Dr. A.

Armour SC, Hon. R.

Gopee-Scoon, Hon. P.

**Hon. Senators:** [*Interruption*]

**Mr. President:** Could we have silence while the division is being taken, please?

*Division continued.*

Sinanan, Hon. R.

Hosein, Hon. K.

Parliamentary Autonomy  
Sen. Mark (cont'd)

West, Hon. A.

Mitchell, Hon. R.

Cox, Hon. D.

Bacchus, Hon. H.

Singh, Hon. A.

Ibrahim, Dr. M. Y.

Sagransingh-Sooklal, Hon. R.

Sookhai, Hon. R.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

**Mr. President:** Hon. Senators, the results of the division are as follows: 15 Senators for, 15 Senators against and zero abstentions. There is an equal number of votes and as such I am required to give a casting vote in this circumstance. Before I do so, some context is also required. When a casting vote is exercised, it is done to maintain the status quo and as such the following principles guide this exercise. One, the vote must be cast so as to always further discussion whenever further discussion is possible. Two, where no further discussion is possible, a decision should not be taken except by a majority. And finally, three, when a casting vote is exercised on an amendment to a Motion, in this case, the vote should leave the Motion in its existing form.

That being said, my casting vote in this circumstance is no. The Motion is not carried. Just to be clear, the amendment as put forward by Sen. Mark is not carried.

*Amendment negatived.*

*Question, on Motion, put.*

**Sen. Mark:** Division.

Parliamentary Autonomy  
Sen. Mark (cont'd)

*The Senate divided:*      Ayes 12                  Noes 18

AYES

Mark, W.

John. Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Lyder, D.

Roberts, A.

Richards, Dr. P.

Vieira SC, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A

Seepersad, Ms. C.

Welch, E.

NOES

Browne, Hon. Dr. A.

Armour SC, Hon. R.

Gopee-Scoon, Hon. P.

Sinanan, Hon. R.

Hosein, Hon. K.

West, Hon. A.

Mitchell, Hon. R.

Cox, Hon. D.

Bacchus, Hon. H.

Singh, Hon. A.

Ibrahim, Dr. M. Y.

Sagransingh-Sooklal, Hon. R.

Sookhai, Hon. R.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Teemal, D.

Thompson-Ahye, Mrs. H.

Dillon-Remy, Dr. M.

*Motion negatived.*

**GOVERNMENT'S COMMITMENT TO  
DEMOCRACY IN TRINIDAD AND TOBAGO**

**Sen. Jayanti Lutchmedial:** Mr. President, I beg to move the following Motion standing in my name:

*Whereas* the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 entrenches the principle of the separation of powers between the Legislature, the Executive and the Judiciary, which ensures the protection of citizens and a system of checks and balances in the exercise of power;

*And whereas* the Constitution provides protection to all constitutionally enshrined offices and institutions;

*And whereas* the actions of the Government in its engagement with constitutionally enshrined offices and institutions have caused public unease and concerns;

*Be it resolved* that this Senate calls on the Government to reaffirm its commitment to the principles and the practice of democracy in Trinidad and Tobago.

**4.35 p.m.**

Mr. Vice-President, I bring this Motion today because as a citizen of

Trinidad and Tobago, and a member of this House, I feel our democracy is under attack. It is an essential component of any functioning democracy that you have recognition and respect for the doctrine of separation of powers. The doctrine requires that key institutions of state, namely the Executive, Legislature and Judiciary, should be separate in order to safeguard citizens' fundamental rights and freedoms, and guard against tyranny and dictatorship when there is a concentration of power.

Whilst the philosophy is often attributed to writings coming from as far back as ancient Greece, the most well-known and clearly articulated statement on the need to have the separation of powers can be found in the writings of French social and political thinker, Montesquieu, who, in 1748, in his book on comparative forms of government titled, *De l'esprit des lois*—it has been three decades since I have done French—also known as *The Spirit of the Laws*, stated:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty...

...there is no liberty, if the...”—powers of judging is—“...not separated from the legislative and executive.

There would be an end of everything...”—if—“...the same man or the same body...”—were—“...to exercise those three powers...”

Creating separate institutions is a system of checks and balances between all three of them. Concentration of power could lead to bias, corruption, conflict of interest, and, just as important, the perception of these things.

In Westminster-styled democracies, we do not have classic or strict separation of powers. Hence the reason why Members opposite hold Cabinet portfolios. But section 1 of our Constitution states that we are:

“...a sovereign democratic State.”

And the preamble recites the core beliefs upon which the authors of our Constitution agreed should be encapsulated in the provisions of this very sacred and important document.

Within that revered text are words which preserve our way of life, our liberty. It defines who we are, how we live, and most importantly, how we are governed. We state in that preamble:

“...that men and institutions”—will—“remain free only when...”—there is—“...respect for the rule of law;”

In a leading case, a well-known case, in the *State of Mauritius v. Khoiratty*, the Privy Council held at the held that:

“The idea of a democracy involves a number of different concepts.”

Including first:

“...that the people must decide who should govern them. Secondly...that fundamental rights should be protected by an impartial and independent judiciary. Thirdly...”—to reconcile—“...the inevitable tensions between these ideas, a separation of powers between the legislature, the executive, and the judiciary is necessary.”

The simple demarcation of functions between the three arms were set out quite simply. In the well-known case of *M v Home Office*, when Lord Templeman stated:

“...Parliament the makes the law, the executive carry the law into effect, and the judiciary enforce the law.”

There have been many cases throughout our history, some of them dealing with our specific Constitution, others dealing with similar style, Westminster constitutions, that examine in great detail the issue of separation of powers. One such line of cases deal with the imposition of the mandatory death penalty, and in

those cases, cases like Roodal, Chandler, *Matthew v The State*, Boyce and others, they determined that the imposition of a mandatory penalty did not fracture the separation of powers. However, there is excellent learning coming out of those cases on the issue of separation of powers. And I would, with your leave, Mr. President, quote from one of those cases, Chandler (No.2), I believe it is, in the Privy Council, where it said:

“On this question the Board has repeatedly taken the view that the doctrine of the separation of powers is not an overriding principle that exists independently of a Constitution but is implicit in a Constitution having regard to the powers of the judiciary, the legislature and the executive which are laid down expressly or by implication in a Constitution.”

I recite this passage to make the point that the words “separation of powers” do not feature in our written Constitution. However, it is such an important principle that it is recognized over and over by our courts.

In that case, the Board went on to say—the Privy Council went on to say:

“The 1976 Constitution deals separately with the principal institutions of the state. Chapter 3 relates to the President, Chapter 4 to Parliament (including the power in section 53 to make laws for the peace, order and good government”—governance, I think they meant—“of Trinidad and Tobago), Chapter 5 to executive powers (including the Advisory Committee on Power of Pardon...), Chapter 6 to the Director of Public Prosecutions and the Ombudsman, and Chapter 7 to the judiciary.”

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

In this case, the Privy Council was clearly stating that in our Constitution we recognize not just the three arms of the state, but a number of other institutions which were necessary to preserve and uphold the concept and the notion of



separation powers.

In the case of Matthew:

“...‘the principle of the separation of powers is not an overriding supra-constitutional principle but a description of how the powers under a real Constitution are divided.’”

There is therefore no doubt, Mr. Vice President, that the Constitution entrenches the principle of separation of powers between the Legislature, the Executive and the Judiciary. There is a division of power in a way that is also functional. But separation of powers, as I said before, it goes beyond just the three arms of the States. Ensuring that democracy is preserved depends on the working of a number of institutions. And the role and function of those institutions are also very clearly set out in our supreme law, the Constitution of the Republic of Trinidad and Tobago.

If we are to preserve our democratic way of life, it is very important that no one institution tramples upon the role and function of the other. It is important that no institution feels pressured to act in a particular way. It is important, and I would say critical, for no institution to be starved of resources. It is important that no one member of a particular institution or body, whether it be the Executive, or the Legislature, attempts to take action which will encroach upon the power and functions of another institution, and impose upon them requirements which would somehow dilute or take away from what is essentially the remit given to them under our Constitution.

As I said before, some of these institutions created by our Constitution, the Office of the President, the Integrity Commission, the Office of the Director of Public Prosecutions, and even our Service Commissions, they are critical to the functioning of this country, and to our notion and our upholding of our democracy.

This Motion deals with the Government's lack of commitment to the practices and principles of democracy in Trinidad and Tobago. The actions, words, commentary by the Government all impact upon independence and the perception of independence. When irresponsible words are spoken, be it in the Parliament or on political platforms, and splashed across the front pages of newspapers, how do the citizens, meant to be protected by the Constitution, view these developments?

Well, on 18<sup>th</sup> of May, 2023, we got some insight into that. Now, that is a day that will go down in history as the people of this country scored a tremendous victory against the Government moving who tried to arrogate onto itself—

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:**—the ability to choose representation for the people of Trinidad and Tobago at the level of local government. And it is really and truly—I thought it was so coincidental that on that same day an article was published in the newspaper, and with your leave I will quote from parts of it. The article was captioned—it was carried in the *Trinidad Express*, that said:

Trinidad and Tobago—“...scores low in Rule of Law survey”.

That article gives us and answers the question that I posed previously: How do the citizens of this country view the functioning of this democracy? And I will quote from the article:

“Trinidad and Tobago has scored low in a Rule of Law survey, with 80 per cent of respondents of the view that top government officials attack or attempt to discredit the media and civil society organisations that criticise them.

Citizens are also of the view that top government officials attack or try to discredit the country's electoral system.”

**4.45 p.m.**

“Compared to their regional counterparts, respondents in Trinidad and Tobago most often felt that top government officials attack or attempt to discredit the media and civil society organisations that criticise them (80 per cent), resort to misinformation to shape public opinion in their favour (75 per cent), attack or attempt to discredit the electoral system and other supervisory organs (72 per cent), seek to influence the promotion and removal of judges (68 per cent), and seek to limit the courts’ competencies and freedom to interpret the law (64 per cent)’...”

Mr. Vice-President, I had not seen this article or even known about this survey prior to filing this Motion. But this article, and this report in of itself, makes the case for this Motion, that there is need to call upon this Government to not just commit itself but to redouble its efforts to upholding, even if it is just the perception that we still operate in a civilized, democratic society. Because clearly the people of Trinidad and Tobago are very concerned.

If in a survey of this nature, more than half of the respondents in each case, and in some cases more than three-quarters of the respondents feel that certain indications that Trinidad and Tobago is operating as a free and fair democratic state are not there and are absent, and they attribute these things to the Government, we are on a dangerous path.

Now, I expect before the end of this debate someone would say that World Justice Project, that carried out this survey, is part of the UNC, because that is apparently the only answer that is proffered when criticisms come from an external source. But, Mr. Vice-President, there is no government in the history of Trinidad and Tobago that has undermined, subverted, deliberately eroded the cherished constitutionality-enshrined doctrine of separation of powers like this particular PNM administration. The numerous violations of the separation of powers have

piled up like grave acts of authoritarianism by this Government. There is unbridled arrogance and unwillingness to entertain fair, critical comments from the media and even other stakeholders.

In fact, one of the most high-handed actions that I have seen is that now, at media conferences, the previously unheard measure of selecting which journalists should be allowed to attend media conferences with Government officials is now par for the course. That in itself speaks to a government which does not respect the freedom of the press and does not encourage it.

The Government sought to frustrate access to freedom of information and has removed several important agencies from under its purview. The Government has utilized, in some cases, the Sedition Act, to hound its critics. I understand that that appeal is scheduled next week or a few weeks from now in the Privy Council. I am quite excited to see the results. The Government has diluted important legislation and then limbos under special parliamentary majorities that were there and entrenched in our Constitution to protect citizens' rights. The Government has weakened vital institutions, such as, and the most obvious example, the Office of the procurement regulator.

This Government's most glaring recent act of undercutting the Constitution was announced, not in the Parliament, not at an official press conference, but at a PNM family day, where they said they were going to disband the Service Commissions. That is a direct blow to safeguarding of our independent institutions from the treacherous hands of a dictatorial ruling regime. Service commissions are a fortress enacted in the landmark 1962 Constitution to protect judges, public officers, police officers, teachers, and others from partisan politicians with nefarious designs.

When the Prime Minister made the announcement of his plans to disband the

Service Commissions, not in the Parliament again, or in any sort of official gathering, one commentator, Mr. Reginald Dumas, the highly-respected and esteemed former Head of the Public Service and a renowned ex-diplomat, he said that if public officers are to be selected, appointed, transferred, promoted by politicians then, we might as well kiss democracy goodbye.

In a case of *Harridath Maharaj v The Attorney General of Trinidad and Tobago and the Police Service Commission* and the—I think it was the Cabinet of Trinidad and Tobago, if I am not mistaken, or the Minister of National Security, the court stated in that case, that case was about an order that sought to set out the procedure for triggering or beginning the process of the Police Service Commission recruiting a Commissioner of Police. In that case, the Government, this PNM administration, sought to insert into it a role for the Minister of National Security. And they were taken to court by a very brave ex-police officer, Mr. Harridath Maharaj, who was very concerned about a role for a politician in the process to select a Police Commissioner. And in that case, the court stated:

“...there is no reason in logic why an independent Police Service Commission cannot itself trigger the process for recruitment of a Commissioner of Police or Deputy Commissioner of Police.”

The learned Mr. Justice, as he then was, Rajkumar, went on to say:

“It is clear also that the ability to influence and in fact control the decision as to whether or not an appointment process should be initiated, carries with it the ability to influence the outcome of that process. An example suggested was of persons not becoming eligible for permanent appointment to the Office of Commissioner or Deputy Commissioner because of the process not being triggered by the Minister before their retirement.”

These were some of the examples that were used in this case, which I am very proud to say I was a part of, led by esteemed Senior Counsel, Mrs. Kamla Persad-Bissessar, and Anand Ramlogan.

And in that case, no one could understand why it was such a big deal that the Minister should be allowed to trigger the process to allow the Service Commissions to do something. But the court held that just inserting the Minister in that process to say, "Go ahead and start," that in itself was ultra vires our Constitution. The mere insertion of a member of the Executive to trigger the process to be performed was held to be in violation of our enshrined principle of separation of powers. That is how important the separation of powers is in this country.

When it comes to our Judiciary, we have seen that some very cavalier Ministers, and the Prime Minister, have continuously and unfairly, at a certain point in time, attacked our Judiciary in what is a blatant assault on a cornerstone independent institution. The framers of Westminster-styled Constitution intended that the Judiciary should operate free and independently, so it could undertake its identifiable function without duress, threats or inducements.

The Constitution protects the Judiciary from arbitrary rule and tyranny to which this PNM administration seems to be overtly inclined. Statements like:

"...criminals have friends everywhere in this country. They have them in the Police Service, they have them in Customs..."

They have them:

"...in the Immigration, in the Defence Force, they have them in the Judiciary, they have them in Parliament."

Mr. Vice-President, those are the words of uncontrolled, unbridled, disrespect for the independence of our institutions, because it is an absolute attempt to intimidate

and to taint in the minds of the public, the image of our judicial officers, particularly when those comments are made in response to a question about a specific case before the court.

The Law Association of this country has had cause to caution and rebuke the Government on several locations, as have a number of patriotic and independent institutions and individuals. I would give you one other example. Very early in my time in this place—well, it is still very early in my time. But early, early, within the first six months, I was told by one person, one politician, that my career in politics was over. It was supposedly over, because the Prime Minister of this country mounted a platform, together with the then Attorney General, now Minister in hiding, of Rural Development and Local Government, and said that I was part of a matter involving a man by the name of Akili Charles. And we were, at that point in time, in the High Court dealing with the matter on the question of whether or not the granting of bail for offences, including the offence of murder, should be a sole judicial function, or whether the Parliament or anybody else should be able to restrict the grant of bail.

And, again, no comment made in the Parliament, no comment made at any sober or official function. What they did is mounted a platform in San Fernando, my hometown, to attack me frontally on my role, in that case, as a representative of a client. And after that, after attacking me—and I remember it very well, because like I said, I was told by a very senior politician, “That is the end of in politics.” They went on to say—and it is reported in the newspaper what the Prime Minister went on to say. And I will quote from a *Newsday* article of the 14<sup>th</sup> of February, 2021. The caption of that article being:

“...No bail for murder must remain the law”.

And it quoted the words of the Prime Minister spoken in San Fernando at that

particular meeting where he said:

“I can tell you, as long as I have anything to do with it, that ain't going to happen in this country if I could stop it.’

Rowley did note that bail is granted in other countries but asked if that should be the case for TT.

‘That is not to say bail for murder is not practised in some countries...’”

I am quoting:

“...but is that what we want in TT?””

I must pause there to remind this honourable House that at the point in time that these statements were being made, this case was actively being considered by a High Court judge; the judge of the court of first instance dealing with this matter back in 2020.

The report goes on to quote. I quote:

“The answer is ‘no’. I speak for you. I trust that those who make the decision would make it on the basis that the people of TT do not want that as part of our environment.””

A direct and clear message being sent from a political platform to a judicial officer, that they must make a decision in a particular way. That, again, is the highest form of disrespect meted out to our Judiciary.

And those statements triggered complaints from the Law Association and many other right-thinking members of the society, that apart from disrespecting the sub judice rule, not to comment on active cases, no person less than the Prime Minister and the then Attorney General decided to essentially try to dictate to the Judiciary how they should decide a specific case.

Well, history will tell you the rest of the story, that even our Chief Justice went on to agree that that case should have been allowed, that bail should be a sole



judicial function. And the Parliament, and more so the Executive, has no role to play in interfering with core judicial functions, such as the granting of bail. And I would say today, thank God we still have a very strong Judiciary, and we still have an even stronger and removed and independent and isolated Privy Council that could rule on serious matters that affect the people of Trinidad and Tobago without any fear, intimidation, or other types of, I would go so far as to say, almost threats on behalf of the people of Trinidad and Tobago being meted out to them.

History has revealed that repressive and totalitarian governments seek to demean and frustrate the Judiciary as an agency of justice, fair play, and impartiality. That is exactly the course on which this PNM administration has embarked. Each democratic jurisdiction around the world has insisted upon fiercely, non-partisan and independent judiciaries, insulated from government overreach and accountable only to the law. That reality is currently under threat and it is endangered here in Trinidad and Tobago.

One would see, for example, that when the issue was raised where the Law Association tried to get the Prime Minister to trigger section 137 of the Constitution for an independent investigation into misconduct, that there was an outright and vitriolic attack from all corners on the Law Association, on the media, and even the Opposition. Again, party platforms, political party platforms, are used to spew bitter assaults against crucial stakeholders in our democracy.

These are some of the other issues, Mr. Vice-President. It is fresh in all of our memories: the interference with the appointment of a Commissioner of Police. These matters cause irreparable harm and damage to the image, not just of persons, but of official offices; offices which we are supposed to revere. All of us are old enough to remember the days when the Office of the President was held in such high esteem by members of the public. Now—and I know the Government is

quick to blame the Opposition. But it is not just the Opposition, it is the damage that they do to the image of certain offices when they interfere in processes like the appointment of the Commissioner of Police, and caused a merit list to go missing.

**5.00 p.m.**

Those things damage the image of the Presidency, and much of the debate that surrounded the need for and the value added by the Office of the President did not come because of the Opposition, as they will have you believe, it came because of their actions and what they did to tarnish the image of that office by their interference, and their disrespect for the rule of law and the separation of powers.

Mr. Vice-President, there are several other examples which illustrate that this Government will play fast and loose with the Constitution, and they would flippantly undermine independent institution in order to entrench themselves into office. The Constitution is the most critical infrastructure of Trinidad and Tobago's democracy. It was modeled after our tried and tested Westminster model. And even if there are identified weaknesses, the Constitution remains a fortress for the rights of citizens in this plural society in which we live, by stridently upholding the doctrine of separation of powers. The PNM administration is systematically dismantling critical constitutional provisions before the eyes of the people of Trinidad and Tobago.

Mr. Vice-President, I have brought this Motion and it is crafted in very wide terms because I specifically wish to treat with a number of institutions that are dealt with in our Constitution, a number of institutions that are created and are creatures of our Constitution. But, of course, time does not permit such a long discourse on my part, so each of my colleagues will in turn treat with different aspects and different institutions which have come under threat by this particular Government.

I would like to focus a little bit on the very important office now of the Director of Public Prosecutions. It is worth reading into the record and to listen to what our Constitution says in section 90 about the Office of the Director of Public Prosecutions. Section 90 of our Constitution says:

“(1) The provisions of this section shall, subject to section 76(2) have effect with respect to the conduct of prosecutions.

(2) There shall be a Director of Public Prosecution for Trinidad and Tobago whose office shall be a public office.”

And it goes on to state that:

“(3) The Director of Public Prosecution shall have the power in any case in which he considers it proper to do so—

(a) to institute and undertake criminal proceedings...

(b) ...take over and continue...”—or—

“(c) to discontinue at any stage before judgment is delivered...”—  
in—“...criminal proceedings...”

And this is I think one of the more important part in subsection (4) of section 90:

“The powers conferred upon the Director of Public Prosecution by subsection (3)(b) and (c) shall be vested in him to the exclusion of the person or authority who instituted or undertook the criminal proceedings, except that a person or authority that has instituted criminal proceedings may withdraw them at any stage before the person against whom the proceedings have been instituted has been charged before the Court.”

I consider that to be very important because even if someone has the power to institute proceedings in this country, like the police, like there are some other statutory authorities such as the National Insurance Board is one that I am aware of where officers can institute proceedings, they are all subject to the power of the

Director of Public Prosecutions. They are vested in him to the exclusion of the power and authority of, I would say, any other person. And that is so important because it sets out exactly how critical it is that our Director of Public Prosecutions and his office remains independent, because he and he alone has power over these matters.

The constitutionally independent institutions are sometimes seen as more interdependent than independent, and that is because many of them rely on Government and the political directorate to approve financial and technical resources. And sometimes there are administrative matters for which they still rely on the political directorate. It was disturbing, unsettling, distasteful, unpleasant, and very unhelpful to see a recent national conversation take place in the public domain regarding the resourcing of the DPP's Office.

And it began with, again, a Prime Minister mounting a political platform, not in the Parliament giving an explanation or an answer to a question, Prime Minister's question time, not in response to a debate on a Bill, but mounting a political platform and being confronted with the issue of runaway crime that the Government has failed to address, to raise the issue that the DPP's Office was receiving so much assistance in the form of expenditure, and that there were certain decisions regarding the occupation of a particular office that was of some concern. And it became scandalized on a political platform, so much so that it found its way on front-page stories for a number of days. And then began an ongoing toing and froing between three of the most senior legal minds in this country, and personalities, and office-holders, about resourcing and the assignment of blame. Conversations which ought to take place behind closed doors but became a matter for debate in the media, letters to the editor, it became the subject of call-in programmes on morning radio, with everybody having an opinion based on what

was said and what was triggered by a conversation on a political platform by this administration.

Because of the avenue, this Government decided to pursue in raising this matter, the matter found itself before a joint select committee, of which I am a part, and that is on National Security, when the Director of Public Prosecutions appeared. And I will quote some of what was said when the Director of Public Prosecutions was asked about challenges with resources for his departments. And it is quoted in the *Newsday* article which spoke to that particular meeting. And he said, and I quote:

“Let me spectacularly highlight my situation. Some time ago someone who occupied the chair of Attorney General had a conflict with someone who occupied the chair of DPP. Before the conflict crystallised, the DPP’s office would have arranged to have a retreat and a training session with the staff. Because of the conflict, the Attorney General, in his wisdom then decided to indicate to the DPP that because of that conflict, he is not allocating any resources for the training retreat.

This is not fiction. I’m not being hypothetical. This happened as a fact and I’m speaking from my own knowledge.”

And I could add to that, that I could speak from my own knowledge of that incident as well.

The article went on to say:

“Gaspard said that if the DPP’s Office is to be truly independent as mandated in the TT Constitution, it cannot be right that if the office wishes to buy a scanner that purchase must not depend on the complexion of his relationship with a particular AG.”

Now, Mr. Vice-President, I raise this to say that the allocation of

resources—and we have just completed a debate on financial autonomy for independent institutions recognized by our Constitution. And we have sat here and we have listened to the entire Government Bench, I could crystalize their argument in one phrase which is that, “It eh really ha no problem, so wah all yuh trying to fix?”

Well, here we have a problem. We have a very clear and identified problem of our independent, supposed to be independent, Office of the Director of Public Prosecutions suffering from a shortage of resources, and ultimately that impacts not just the image of that office in the eyes of the public, but its ability to perform its function. One is inclined to believe that unless the complexion of the relationship between the Director of Public Prosecutions and the Executive is a healthy complexion, that that office will continue to suffer from under-resourcing. This by itself is clearly disrespect for the notion of separation of powers and respect for our independent institutions.

Mr. Vice-President, I could go on and on about all these matters affecting resources, but there are so many other matters involving the Office of the Director of Public Prosecutions. And that is because that office carries so much weight. They carry so much clout. They have the power. And I will go so far as to say, they can make or break a government because they can institute and agree to have charges instituted, or they can agree to have charges discontinued. And depending on the decisions that they take, one tends to think and one tends to view that office and how they are functioning as being dependent on the type of very critical decisions that they are called upon to make with respect to high profile matters.

There is a matter involving plea bargaining which reared its head some time ago in the public domain in Trinidad and Tobago. The DPP being a creature of the Constitution and head of his department has the power to do certain things, and as I

said before, institute or discontinue charges. There is also a law in Trinidad and Tobago called the process for plea agreements under the Criminal Procedure (Plea Discussion and Plea Agreement) Act.

If one has respect for the rule of law, one would not only ensure that you have an independent, well-resourced Office of the Director of Public Prosecutions, but one would respect other laws which vest certain powers in the DPP and only in the DPP. The DPP's Office, even though it is a department of the Office of the Attorney General and Ministry of Legal Affairs, they will from time to time have to perhaps give updates to that Ministry, but it should only be on administrative matters.

I sometimes think that when in section 90(1) of our Constitution it states that:

“The provisions of this section shall, subject to section 76(2) have effect...”  
—that some people interpret that to mean that the DPP's Office is subject to the Attorney General. Because section 76(2) of the Constitution speaks to the Attorney General being in charge of legal affairs of the State, but that is in fact not so. And the DPP's Office should never be subject to what an Attorney General chooses to do, and that includes negotiating plea agreements and deals with persons who are agreeing to give evidence in criminal matters.

We have had, and I would say, a constitutional crisis on our hands. We have experienced in this country the shock of seeing prosecutions fall apart and being discontinued because of the actions of political operatives. Politicians in this country have sought to get their hands down into police investigations, treating directly with witnesses and their legal representatives, offering what essentially is an inducement in order to obtain notarized statements. And one year later, one year after those statements and those agreements are executed, they send it to the Office

of the Director of Public Prosecutions. The man, who says—who the Constitution of our country says, under section 90, has:

“...powers...vested in him to the exclusion...”—of other persons.

The powers vested in him are vested to the exclusion of any other persons, and yet we have a Government in place operating under the assumption that they can usurp those functions, they can usurp the role and function of the DPP under the plea bargaining Act. They can usurp whatever power they feel and ride roughshod over our Constitution to achieve their political objectives at the end of the day.

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:** That, Mr. Vice-President, is unacceptable. And we have spoken about this time and again, both inside and outside of this Parliament, but it forms one of the primary foundations upon which I am forced to bring this substantive Motion here today before this Parliament.

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

**Sen. J. Lutchmedial:** Constitutionally independent institutions and agencies, even if they rely on approval for financial resources, please, Mr. Vice-President, should not have their powers eroded by a government.

I would like to refer to one other example that is pertinent to the Office of the Director of Public Prosecutions. And if I have to put good use to my last five minutes, Mr. Vice-President, I wish to read from an affidavit and an exhibit to affidavit filed in a matter, which was brought by the man of the moment, Mr. Ravi Balgobin Maharaj—

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:**—in another groundbreaking—another groundbreaking, albeit less celebrated matter.

**5.15 p.m.**



But in this matter, it was reported that the Office of the Attorney General had given advice to the police on the bringing of charges, and Ravi Balgobin Maharaj, our litigant at large, litigant extraordinaire I would say, and a true patriot of Trinidad and Tobago—since other persons choose to use their parliamentary speaking time to deprecate this individual, I would do justice to his role and what history will record as his contribution to this country.

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:** He used the very brilliant piece of law brought by a UNC government called freedom of information to request from the Director of Public Prosecutions answers to very specific questions. It is unfortunate that, again, perhaps due to resource constraints, the Director did not respond in time, a matter was filed in court, CV 2022-0073, if anybody is interested in checking it. And when the Director did respond to these questions—as I said before, I think it is worthwhile to read out the responses to these questions because it will exemplify everything that I have said here today. Question number one was:

Did Director of Public Prosecutions grant permission to the Attorney General to provide legal advice to the investigative teams of police officers who were investigating the events?

And it sets out the particular incident. The Director's response:

The DPP did not grant any such permission to the Office of the Attorney General. The DPP has no such power, moreover such a grant would be contrary to the DPP's constitutional role.

I wish to state out the fairness that this predated the assumption of office by this Attorney General.

Question number two:

Was the Office of the DPP consulted and or involved in the preparation of the advice tendered by the Office of the Attorney General to the effect that—and the citizen's name is there—was not in breach of any of the regulations on that said day?

This is the part, you know, because the Office of the Attorney General and Ministry of Legal Affairs went so far as to proffer written advice that a citizen did not breach the law. The response from the DPP:

The Office of the DPP was not consulted nor involved in the preparation of any advice tendered by the Office of the Attorney General.

Question number three:

Was the Office of the DPP aware that the Office of the Attorney General provided legal advice to police officers who were investigating the said matter?

And the response:

At a conference with certain police officers investigating the said matter, the DPP was informed by then that other advice had been received by the Office of the Attorney General.

You see, in this case, the DPP met with investigators and gave advice to the effect that someone was in fact in breach of the law and then learned that the police had to inform the DPP—say, “Well boss, we get different advice from the Office of the Attorney General and Ministry of Legal Affairs, who said that the man did nothing wrong.” If that does not tell you and tell this Parliament that we are in dangerous waters, that we have a Government and operatives within a Government who have absolutely no respect for independent offices.

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:**—I do not know what else—what else do we need?

Final question that was answered.

Did the Office of the Attorney General, at the time it tendered the legal opinion to the police, simultaneously provide a copy to the DPP?

The Office of the...

Answer:

The Office of the Attorney General has never provided to the DPP any copy of the legal opinion it tendered to the police.

This is a country where depending on who you know, or who you are, and if the Attorney General knows you, he will tell the police, "Do not charge you." The former Attorney General.

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

**Mr. Vice-President:** Senator—

**Sen. J. Lutchmedial:** Sorry.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** —your time is up for your contribution.

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:** And with that, Mr.—

**Hon. Senators:** [*Desk thumping*]

**Sen. J. Lutchmedial:** —and on that, Mr. Vice-President, I beg to move.

**Hon. Senators:** [*Desk thumping*]

*Seconded by Sen. W. Mark.*

*Question proposed.*

**Mr. Vice-President:** Sen. Laurel Lezama-Lee Sing.

**Hon. Senators:** [*Desk thumping*]

**Sen. Laurel Lezama-Lee Sing:** Thank you, Mr. Vice-President, for giving me this opportunity to join in this debate on this Motion which speaks to the separation

of powers between the Legislature and the Executive and the Judiciary, and the protection of the constitutionally enshrined offices and institutions.

Mr. Vice-President, before I get into this debate, please permit me, on behalf of the Government Bench, to extend our condolences to the family of the late Claude Noel who passed away on Sunday, our outstanding Tobago-born national boxer. To his family and friends and the people of Tobago, we extend our sincerest condolences.

Now, Mr. Vice-President, the blatant, naked, unashamed hypocrisy of the United National Congress—

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** —to file this Motion in this Senate for debate is astonishing. Mr. Vice-President, I am so taken aback by the content of this Motion, and further by the presentation of its mover, Mr. Vice-President. And I will take this opportunity to respond to the Sen. Lutchmedial and to put on record for you, Mr. Vice-President, to the Members of this Chamber and to the national community, I will clearly demonstrate that the PNM, for its 67 years of existence, has consistently, continuously and uncompromisingly shown its regard and respect for democracy in Trinidad and Tobago. And I will further show, Mr. Vice-President, the UNC's total disrespect and disregard for democracy—

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** —the protection of the independent institutions and the separation of powers. I am happy to have this opportunity, Mr. Vice-President.

So let us talk about the mover of the Motion, permit me to respond to her. The mover of the Motion—I am just going to go through point by point on some of the matters that she raised during—that the Senator raised during her presentation.

**Sen. Lyder:** Who is “she”? “De cat mudda”?

**Sen. L. Lezama-Lee Sing:** If you want it to be, no problem. I said “the Senator”. If that is what you are calling your colleague, I am so sorry and I take offence to that, and I take offence to you calling your female colleague that.

**Hon. Senators:** [*Desk thumping and crosstalk*]

**Mr. Vice-President:** Senators, on both sides, please be advised of the level of crosstalk and allow the good Senator to make her contribution.

**Sen. L. Lezama-Lee Sing:** Thank you, Mr. Vice-President. Mr. Vice-President, imagine a representative of the United National Congress comes to this august Chamber to talk about irresponsible words on a political platform. The United National Congress are the movers and shakers and framers of every form of character assassination. There is not one Opposition politician—and when I say Opposition, I mean politician opposed to the UNC, who has remained unscathed from the vitriol and the hate and the terrible attacks on the character of the good people of Trinidad and Tobago who have offered themselves to be of service to this country.

I clearly remember the political leader of the People's National Movement being called an “Oreo”, being called a “monkey”; racist remarks labelling the people of Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Being called a blank—an alleged “blank man”, and that is unacceptable.

**Sen. L. Lezama-Lee Sing:** So to stand here and talk about—

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** —to stand here and talk about irresponsible words on a political platform is hypocritical, Mr. Vice-President.

The UNC talks—the mover of the Motion, Sen. Lutchmedial, spoke about the need to call on the Government to uphold the perception at least; the perception at least. Is that what she thinks? That there must only be a perception and there must not be any solid facts backing the independence of institutions in this country? The Senator needs to remember that every person in this country knows that it is the UNC's major goal to diminish confidence in the independent institutions in this country.

Look at the Motion debated earlier in this Chamber. The picture painted is that the Parliament is weak; is that the staff of the Parliament are incompetent. The picture painted is that the Parliament cannot function properly, and I beg to differ, but that is not the Motion we debating right now, Mr. Vice-President. The PNM is not about optics, so we do not need to uphold any perception. The PNM stands solidly behind maintaining the independence and integrity of constitutionally enshrined offices and institutions, Mr. Vice-President.

Sen. Lutchmedial went on to say that, no government in history has violated the separation of powers like this Government. And let me just add the rest of this statement: except the United National Congress, of which she apparently—of which the Senator is a very proud member.

Sen. Lutchmedial talked about during COVID, a global pandemic—it is clear to me that up to this minute, the United National Congress still has not grabbed or grasped the depth of the severity of the situation that we faced during that pandemic. So to stand here and say that the Prime Minister is being selective about media houses, in this very parliamentary Chamber, members of the media could not come into the Chamber to cover the proceedings. There were guidelines. So stop playing smart with foolishness here today.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Sen. Lutchmedial went on to say diluted—that this Government diluted important legislation. Do you know why, Sen. Lutchmedial? You very well know why, Sen. Lutchmedial.

**Sen. Lutchmedial:** What is that?

**Sen. L. Lezama-Lee Sing:** Through you, Mr. President—and I am responding to the speaker—

**Sen. Lyder:** Mr. Vice-President, please—through you, Mr. Vice-President, you cannot talk directly to the Senator.

**Sen. Lutchmedial:** [*Inaudible*]

**Hon. Senator:** Right.

**Sen. Lutchmedial:** [*Inaudible*]

**Mr. Vice-President:** Senators, Senators, Senators. Sen. Lezama-Lee Sing—

**Sen. L. Lezama-Lee Sing:** Through you—

**Mr. Vice-President:** —please be reminded to guide your—

**Sen. L. Lezama-Lee Sing:** Yes, Sir.

**Mr. Vice-President:** —direct your comments through the Chair, please.

**Sen. L. Lezama-Lee Sing:** So noted, and so humbly guided, Mr. Vice-President. So, Mr. Vice-President, the mover of the Motion spoke about this Government diluting important legislation. Might I remind the country that it is the Opposition that is holding the legislation hostage every time this Government comes with legislation that will redound to the benefit of the people, the safety of the girls, the safety of the women, the protection of whistle-blowers. It is the United National Congress that unreservedly, unashamedly and consistently stands in full opposition of the legislation—of the solid, good legislation that is put forward by the Government. So it is not that the Government is passing diluted legislation, it is the UNC holding the country hostage, Mr. Vice-President.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Mr. Vice-President, I want to know—

**Sen. Lyder:** [*Inaudible*]

**Mr. Vice-President:** Senators, I remind the Chamber, especially those on this side of Standing Order 51(1), which speaks to excessive crosstalk. Kindly allow the good Senator to contribute and to make a contribution in good peace, please, and order.

**Sen. L. Lezama-Lee Sing:** Thank you, Mr. Vice-President. Mr. Vice-President, I want to know if any gathering, where there is media, where there is coverage, where there are people with their smart devices, is that not an opportunity for mass sharing of information? So to come here and say that the Prime Minister chose a PNM family day to talk about the removal of the Service Commissions, and to put Service Commissions people into the treacherous hands of the PNM, the Prime Minister was addressing, Mr. Vice-President, a national gathering. PNM gatherings are national gatherings, in which we had—we warmly welcomed a number of UNC defectors at that family day in Toco this year.

**Hon. Senators:** [*Desk thumping*]

**5.30 p.m.**

And so the Prime Minister, Mr. Vice-President, was addressing a national gathering that was broadcast nationally and that, clearly, was paid very close attention to by the UNC. So what better opportunity to speak about national issues than at a national gathering?

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Mr. Vice-President, I am still responding to the mover of the Motion because I was very disturbed. And I tell you, the level of hypocrisy is phenomenal and unbelievable and incredible, but so in sync with the practices



that happen here from the Members of the Opposition.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Sen. Lutchmedial talked about the damage that the Government is doing to the image of the institution. I want to remind the United National Congress, Mr. Vice-President, through you, of course, and I want to remind the national population, that in 2015, when the EBC made a decision because of the weather to extend voting by one hour, the United National Congress spent hours, days, weeks and months protesting against the EBC and trying to diminish its credibility and the authenticity of the election results, in which the UNC got a sound trouncing, Mr. Vice-President. So what I have to say on that matter is that it is the UNC who is the perpetrator of the destruction and the damage of the image to the institution.

Now, Mr. Vice-President, I cannot get into too many details about Senator—I choose not to, rather, get into many details about what Sen. Lutchmedial spoke about with the Office of the DPP, but I do have three things, three major points that I must bring forward, Mr. Vice-President, in responding to this mover of this Motion.

So the mover of the Motion is speaking about—Sen. Lutchmedial spoke about the Prime Minister—again, the fixation with the Prime Minister and where he speaks to his people in his country seems to be a big problem. But Sen. Lutchmedial spoke about the DPP being attacked in some PNM meeting. I want to know at which point was the DPP attacked in a PNM meeting. It never happened.

I want to quote from an article here that is posted on CNC3, so it would have been a *Guardian* article but I am quoting on it from the CNC3 website, and the headline—it is written by Anthony Wilson, and it is presented on March 24, 2023, and the headline is:

“Rowley: I did not attack DPP”.

“Prime Minister Dr. Keith Rowley...”

—and please permit me to read this into the records, Mr. Vice-President:

“Prime Minister Dr. Keith Rowley said yesterday...when he disclosed that the Government had spent \$45 million...he was not attacking...”—the—  
“...office holder...”

More importantly, he says the Government respects the independence of the office and will work hand in hand with the DPP to sort out the issues...”—of the—“...office.

“To say what the Cabinet had done and what the outcome had been is not an attack on the DPP. It is a statement of fact.”

Mr. Vice-President, and I end from that quotation in this one here.

So, Mr. Vice-President, it is the UNC—the UNC is trying to divide and rule. Because, Mr. Vice-President, I am going to quote from the *Newsday*, an article by Paula Lindo, Monday, 20 March, 2023, in the *Newsday*, titled:

“UNC: CJ’s statements are unprovoked attack on DPP”.

“San Juan/Barataria MP Saddam Hosein said the Chief Justice’s...comments on the situation...were an unsolicited and unprovoked attack on the office of the DPP. He criticised the...”—Chief Justice—“...for interfering in what Hosein sees as a political affair.”

Mr. Vice-President, that alone tells you that this is all a game of politics for the United National Congress. They are not serious about governance in this country and they are not serious about the independence of this country. They are trying to divide and rule. Saddam Hosein is saying—who is a Member of Parliament for the constituency of San Juan/Barataria, elected by the people of his community, and he is standing here, Mr. Vice-President, or standing in one of their very many and

tiresome and bothersome media conferences, speaking about the CJ is attacking the DPP. They are trying to create a war and create a division between the Chief Justice and the Director of Public Prosecutions. This is not a PNM matter and the PNM will not stand for that. We will not stand for that because, as I said, the UNC is trying to divide and rule, and the UNC is synonymous with “rab” and rancour and rambunctious behaviour.

This matter, Mr. Vice-President, was, and clearly continues to be, scandalized by the United National Congress. And, Mr. Vice-President, the last thing that I would like to speak on, responding to Sen. Lutchmedial, an article from the *Guardian* dated the 19<sup>th</sup> of May, 2015. It is written by Geisha Kowlessar and it is titled:

“Leave Joan alone”.

And the subtitle:

“PM, AG knocked for targeting deputy DPP”.

“Prime Minister Kamla Persad-Bissessar...”

—notice who was the Prime Minister at the time, and notice the Prime Minister is the leader of the United National Congress.

“...and Attorney General Garvin Nicholas are now facing the heat over their criticisms of Deputy Director of...”

—over their criticisms.

“...of Deputy Director of Public Prosecutions Joan Honore-Paul...”

Former attorney general Ramesh Lawrence Maharaj...”

—a former UNC member.

“...Independent Liberal Party...leader Jack Warner...”

—a former UNC member.

“...Alliance of Independents interim leader Nicole Dyer-Griffith...”

—a former UNC government person.

“...and Douglas Mendes, SC, yesterday all defended Honore-Paul’s right to not only address the matter, but to do so without interference from the Government...”

—the UNC government of the day:

“...because of the independence of...”—the UNC.

“Maharaj slammed Nicholas’ statement, saying he acted ‘unlawfully’ and had undermined the Office of the DPP and other key institutions.”

Mr. Vice-President, oh gosh. So to come here today and to gallery yourself and talk about the DPP, and trying to pin the DPP—

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:**—pin a scarlet letter on the PNM about the DPP, as I started, is hypocritical. And therefore this Motion really holds no water in this Chamber.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** So that is just me responding to the mover of the Motion. Let me now get into my contribution to show you clearly that the PNM stands firmly behind the independent institutions in Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Mr. Vice-President, in the PNM we believe that politics is the art of the possible, and it is on this premise that the People’s National Movement has drawn its strength of purpose, Mr. Vice-President.

The PNM history will show, in our 67-year history, that the PNM is Trinidad and Tobago’s liberator from the colonizers, from the backwardness and the stranglehold of the colonizers.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** And we commit, as we did 67 years ago, not to play fast and loose with the Constitution.

Mr. Vice-President, we got a little lecture in several contributions throughout the day on what the separation of powers would mean, and so I will not get into that, except to say that it is literally the separation of where the power resides which prevents concentration of power in one space or another, and of course the regulation with the checks and balances and letting institutions operate as freely and “unbinded” as they ought to be. So in Trinidad, of course, we talk about the Judiciary, the Executive and the Legislature as the three arms of government, and so some of the enshrined offices and institutions that we talked about would be the Judiciary, the EBC, the Integrity Commission, the DPP. And so in this 60-year-old democracy of Trinidad and Tobago, the separation of powers is the fundamental principle that ensures fair and just governance, and the PNM Government is committed totally and wholeheartedly to upholding this principle and maintaining the independence of crucial institutions, such as the Judiciary, et cetera.

This Government, Mr. Vice-President, this Dr. Keith Rowley-led Government is firm in its belief that these institutions must be able to operate free from political interference, so that they can fulfil their respective mandates with integrity and impartiality. This PNM Government, Mr. Vice-President, will continue to stand firm in its commitment to the preservation of the independent institutions and the protection of our thriving PNM-established democracy of Trinidad and Tobago. This PNM, this Government, believes that no branch of government should have absolute power. We believe in that and we abide by it. And so let me give you a little history of how the PNM really believes in democracy.

Mr. Vice-President, in 1962 we all know that Dr. Eric Williams led a contingent to Marlborough House in London, and by August 31<sup>st</sup> the Union Jack was coming down and the red—the proud red, black and white of Trinidad and Tobago was lifted on the flagpole for the first time. It took a PNM leader, a PNM chief Minister, a PNM premier to move us from being a colony to being an independent nation. Further, it took a PNM leader, a PNM Prime Minister, to take us along that journey to republicanism in 1976.

Now, I just want to quote a few things, please, from a document here. The PNM has something called the Chaguaramas declaration, and in this it is the revised People's Charter. And in this document, Mr. Vice-President—this is a publication, a proud publication of the People's National Movement—we talk about the PNM's desire to survive; the PNM to take Trinidad and Tobago from colonialism to independence. And we talk about the PNM's institutional strength, which is what we depend on to carry this country forward, and this is the principle upon which the PNM is built, or what we believe:

Revolutionary change—  
—and this is speaking back in the time.

Revolutionary change is not only demanded in the Caribbean today, it is also in view of our past history, a historical imperative necessary to confer real and meaningful power, self-discipline and self-determination upon those who have been historically dispossessed.

And they talk about who the people are who have been dispossessed. So when Dr. Eric Williams took his time to go the length and the breadth of the country, hosting these distinguished lectures to inform the people of Trinidad and Tobago, when he and his team came together to frame what our Government would look like, or what our system of governance would look like, shaped after the Westminster

system in the United Kingdom, he was doing all of that with a view to ensuring that there are checks and balances, with a view to ensuring that there is independence of all of the institutions that have been put here to deliver services to the people of Trinidad and Tobago. And it is only the People's National Movement that had that vision, that foresight and continues to have that desire to ensure that these institutions remain independent, Mr. Vice-President. So again, I tell you, it is hypocritical of the United National Congress, really, to come here and spew whatever they are spewing.

So let me tell you now, Mr. Vice-President, what the PNM will not do. The People's National Movement will not repeat the sins of 2010 to 2015, that is for sure.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** On September 16, 2010, attack on institutions of the State—

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:**—defamation of the Chief Justice. This happened September 16, 2010. The Justice Minister—may he rest in peace—Herbert Volney, launched defamatory attack on the Chief Justice during his budget presentation in this very Chamber, Mr. Vice-President. He criticized some of the things that are constitutionally written for the Chief Justice.

[MR. PRESIDENT *in the Chair*]

**Sen. L. Lezama-Lee Sing:** Welcome, Mr. President. And so it is the United National Congress that launched a full-on attack on the integrity and the good name of a sitting Chief Justice.

**5.45 p.m.**

What the PNM will not do is political interference. CNMG gets new head

via flawed process. UNC activist appointed as CEO without board of directors in place to vet his appointment. The position was not advertised, breaking the statutory requirements. The PNM will not do that.

Mr. President, July 16, 2011—now, Mr. Vice President, two of my daughters visited this Parliament Chamber—Mr. President, I am so sorry, I apologize. Mr. President, I apologize to you, Sir. Two of my daughters visited with their school, one last week and one last year. In speaking to the children from that year group, I remember some of them asking me, “Well, what is the purpose of the Red House and what happened? And in their own young, wonderful, excited minds, they believed that this is the seat of democracy and this is where the freedom will come through for the people of Trinidad and Tobago. And to hear that coming from the young people, from little children, 10 and 11 years old, is really an incredible thing.

So, Mr. President, in July of 2011, democracy moved. Democracy and the separation of powers cannot reside in a palace in Phillipine. So when the Cabinet regularly meets in a private residence, who has access to what is happening in the Cabinet discussions? What are the security measures in place? Are the Members of the Cabinet Secretariat compromised by having to go to a private residence? This is how democracy is stifled in Trinidad and Tobago, when you literally remove the seat of democracy, and make the Cabinet your own private little meeting space.

Mr. President, August 31, Independence Day, 2012, which would have been our 50<sup>th</sup> Independence night, after Dr. Eric Williams and his team worked so hard—they worked so hard to acquire the independence, and then they worked so hard to train and build and develop a young, independent nation—

**Hon. Senators:** [*Desk thumping*]



**Sen. L. Lezama-Lee Sing:** —made up of so many different backgrounds and cultures, and trying to manage that in a situation coming out of slavery and indentureship, and women not being able to vote, and not everybody getting the opportunity to go to school, and colourism and classism, and this is the exact time Dr. Eric Williams would have begun his leadership of Trinidad and Tobago, as our independent Prime Minister. August 31, 2012, on the night of our 50<sup>th</sup> Independence anniversary, section 34 subversion.

The Prime Minister and the Attorney General, both self-appointed senior counsels, claimed innocence in the People's Partnership's introduction of the administration of justice Act, and the early proclamation of the Act, which in effect subverts years of prosecution work. The Attorney General shifts the blame to the Minister of Justice, claiming that he is not versed in constitutional law—despite having nominated himself for senior counsel with honours, right—and that Justice Minister Volney is to blame for all the mistakes and misdeeds. He ignores the fact that he is constitutionally responsible for all legislation introduced by the Government, Mr. President, the Attorney General.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** And the Prime Minister sought to defend her government—the then Prime Minister, Kamla Persad-Bissessar SC, after that occasion of August 31, 2012, sought to defend her government by claiming that both the Opposition, which was then the PNM, and the nine Independent Senators—so she threw the blame on the PNM and on the Opposition—that they voted in favour of the Act. The Prime Minister conveniently ignored the fact that her government, the government that she led, the government that of which she was the leader, her government sought to the early proclamation. Her Attorney General was the one fully aware of the implications of such a proclamation, Mr.

Vice-President—Mr. President, my apologies.

**Hon. Senators:** [*Desk thumping*]

**Sen. Mark:** [*Inaudible*]

**Sen. L. Lezama-Lee Sing:** Mr. President, to try to—

**Hon. Senators:** [*Crosstalk*]

**Mr. President:** Okay, okay, okay, Senators. Continue.

**Sen. Mark:** I want to know what she is talking about. [*Inaudible*]—  
proclamation—[*Inaudible*]

**Mr. President:** Sen. Mark, Sen. Mark, Sen. Mark.

**Sen. Mark:** Sorry, Sir.

**Mr. President:** Continue, Sen. Lezama-Lee Sing.

**Sen. L. Lezama-Lee Sing:** Thank you, Mr. President. Thank you very kindly. Imagine a Prime Minister trying to pull wool over the eyes of 1.6 million people. If the Prime Minister thought “we stupid”, she was wrong, because we took the necessary action in 2015, to make sure that this would never happen again. The people of Trinidad and Tobago will continue to protect ourselves by ensuring that this type of governance will never happen again.

Imagine the Prime Minister, with whom so much power resides, is throwing the blame on 12 Opposition MPs, six Opposition Senators, and nine Independent Senators, when she had a humongous majority in that period. That is hypocrisy to the highest order.

Mr. President, there is one other matter that I need to raise as well to tell you what the PNM will never do. Mr. President, just give me one second, let me pull it. It is right here. January 20, 2011, incompetence, destruction of the State security apparatus—Reshmi Ramnarine, Mr. President. Reshmi Ramnarine was a junior office clerk, promoted 22 positions to be appointed by the Prime Minister,

Kamla Persad-Bissessar SC, leader of the United National Congress and leader of the People's Partnership government, and promoted her, this junior office clerk, as the head of the special intelligence agency. The Minister of National Security went on to vouch for the candidate in the Parliament.

Mr. President, I am of the firm view that the UNC really and truly does not care about national security and the safety of the people of Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Therefore, to put a party hack, to put a puppet that you can control, to put somebody with zero experience, and whose only experience is as an office clerk, to head a major part of the national security apparatus, Mr. President, would lend itself to instability in Trinidad and Tobago. It would give the opportunity for certain independent institutions to be compromised. You are giving somebody who does not have the experience, the know-how or the knowledge access—access to so many spaces. Typical UNC hypocrisy, Mr. President.

So let me just wrap up by saying what the UNC's record is. The UNC, unfortunately, for Trinidad and Tobago, did not have power in government once. The UNC was also elected in 1995. And in the UNC in 2000, the then Prime Minister, the UNC Prime Minister, was accused of attempting to manipulate the Judiciary by appointing persons favourable to its administration, and this led to widespread protests and calls for the Government to respect the independence of the Judiciary.

In 2010, the IMF raised concerns about the UNC government's handling of public finances and lack of transparency in awarding contracts, and they were criticized for failing to implement promised reforms, and they were criticized for their handling of the State-owned oil resources.

Mr. President, very importantly, in the lead-up to the 2015 general election, and it sort of spilled over into the lead-up of the—and it went into the 2010 elections as well, and it partially went into 2020 elections—so that is '10, '15 and '20—the UNC was engaged in negative campaigning, spreading false information, taking people's personal information, Cambridge Analytica and all of those things. Those are all synonymous with the United National Congress and their assault on the democracy, their assault on citizens' right to privacy, and their assault on this country of Trinidad and Tobago.

Mr. President, I really do not want to have to talk about LifeSport right now. I know that the case has just reopened, where the board is now before the courts. So we have LifeSport, we have Reshmi Ramnarine, we have section 34, we have the Integrity Commission as well getting negative attention under the rule of the United National Congress. When the UNC was in charge, there were allegations of conflicts of interest and political interference in the Integrity Commission, Mr. President. Allegations and concerns about transparency and accountability within the UNC government.

Mr. President, the UNC, with the EBC, continued to be a source of controversy. The UNC continues to say that the EBC is biased, and they do everything they can to diminish the credibility of the independent institution, that is the Elections and Boundaries Commission.

Mr. President, their record is heinous.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Their record is tarnished. Their record is unsatisfactory. Their record is reprehensible. Their record is frustrating.

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

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** Thank you, Mr. President. Their record is frustrating. Their record is unacceptable. And their record ended in 2015, and will never get to continue again, once the people of Trinidad and Tobago keep their right-thinking minds on.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** They are able to witness this debate here today—

**Hon. Senators:** [*Crosstalk*]

**Mr. President:** Okay, okay, okay. Obviously the Member is wrapping up, but that is not cause to elevate their voices to the point where I cannot even hear her. Continue, Senator.

**Sen. L. Lezama-Lee Sing:** Thank you, Mr. President. So the PNM's record—let me quickly tell you the PNM's record, and then there is something important I need to say in my last two minutes. The PNM has consistently advocated for the separation of powers and preservation of the independence of the Judiciary.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** The PNM has consistently moved to ensure that these institutions are not politicized.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** The PNM has spoken out against corruption, and has taken measures to strengthen the institutions that are charged with combating corruption.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** This is the PNM's record. The Prime Minister is on record as saying that to his knowledge no Member of his Government can be charged with any form of corruption, and that is something we are very proud to be a part of, Mr. President.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** The Government passed legislation to strengthen the role of this very Parliament, to strengthen the role of other institutions, such as the Whistleblower Protection Act. The party has called for greater transparency and accountability in Government, including campaign finance reform. We are serious about it. We are working on it. We are serious about it. The PNM is committed to ensuring that there is an independent Judiciary in Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** The PNM has respect for the Legislature. The PNM has shown its respect for the Legislature by allowing it to operate without any undue influence and interference. And they have also ensured, Mr. President, that the Legislature is robust and effective in its oversight role.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** The PNM is committed to non-interference with independent institutions. The Government has allowed the independent institutions, such as the Office of the President, Auditor General, and the Office of the Ombudsman to operate independently, and this has ensured that these institutions can perform without interference.

The PNM continues to comply with constitutional provisions. We uphold the provisions of the Constitution, and we ensure that all Government officials comply with the Constitution. And overall, Mr. President, this PNM Government—this PNM has demonstrated respect for the principle of separation of powers by upholding—

**Sen. Mitchell:** Mr. President, 53(1). She has about 10 minutes to go.

**Mr. President:** Once again—once again, the Member is wrapping up. She has but a few seconds to do so. Please allow her to do so with silence in the Chamber.

Continue, Senator.

**Sen. L. Lezama-Lee Sing:** Mr. President, I was looking for an article dated Saturday, 24 May 2014, as I wrap up. On the *Trinidad Express*, the title—today—it is serendipitous that this debate is happening today and fortuitous because today, the 23<sup>rd</sup> of May, but in 2014, the government of the day was the UNC and the largest protest known to Trinidad and Tobago happened on this very day, Mr. President.

**Hon. Senators:** [*Desk thumping*]

**Sen. L. Lezama-Lee Sing:** It was a protest to get rid of the United National Congress, which was the worst and most undemocratic government ever seen in the history of Trinidad and Tobago.

I thank you, Mr. President.

**6.00 p.m.**

**Hon. Senators:** [*Desk thumping*]

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

### ADJOURNMENT

**The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne):** Mr. President, I beg to move that this Senate do now adjourn to a date to be fixed. Out of courtesy, I wish to indicate it is possible that we may have a sitting next week and I give fair notice that the Government is minded to next debate the Valuation of Land (Amdt.) Bill. Thank you, Mr. President.

**Mr. President:** Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the adjournment of the Senate. Sen. Dr. Paul Richards.

### Re-introduction of Cybercrime Legislation

**Sen. Dr. Paul Richards:** Thank you, Mr. President. Good afternoon, again,

colleagues, or good evening. May I join my colleagues in as extending condolences to the families of the 19 children who died in that horrific fire in Guyana, and to the national community of Guyana, who are in three days of mourning, I understand. My condolences to them, and our prayers and support are with them. And also to the family, friends and fans of 1982 Chaconia Gold Medal recipient, Claude Noel, who was the lightweight world record holder in 1981.

Mr. President, the Motion I bring on the adjournment is not an admonition but it is a petition, a plea for the Government to reintroduce cybercrime legislation to address online criminal activity. And I think to Government commendably tried to—well, brought this legislation in 2017 to the House for the first reading of the Bill. On the 5<sup>th</sup> of May—it was referred to a committee on 5<sup>th</sup> of May, and also the committee report laid in the *Hansard* on the 15<sup>th</sup> of September, 2017. It was carried over, the work of the Committee, to the sessions thereafter, the Third Session, Fourth Session and Fifth Session. And unfortunately, it did not make the point of becoming law in Trinidad and Tobago, though the effort was commendable. But I do not think that should stop the process for trying to bring this kind of critical legislation to protect the people of Trinidad and Tobago.

Mr. President, there were many commentators on the Bill at the time, including the Centre for Law and Democracy, the Law Association of Trinidad and Tobago, the Media Association, and the Trinidad and Tobago Publishers and Broadcasters Association. There were many concerns raised in many clauses of the Bill. But there was also consensus on many of the clauses in the Bill, even though it did not meet muster, including concerns about the practice of journalism in Trinidad and Tobago—credible concerns at that; also, prohibitions, including sections 5, 6, 7, 8, 9, 12, 13, 15 as identified by the Centre for Law and Democracy; and also, sections 8 and 12, as the Centre for Law and Democracy



indicated, in so far as they made it illegal for journalists to receive leaked information, including whistle-blowers. I do not know that we have come to position where we were able to cleave out the constitutional remit of journalists carrying out their craft without the potential for ending up on the wrong side of the law.

The same cybercrime is used to cover a wide range of criminal conduct. Recognized crimes include a broad range of offences, and globally it is difficult to develop a typology. The offences mainly fall into four broad categories, including offences against confidentiality; integrity; availability of computer data systems; computer-related systems, which are quite varied in ranges; content-related offences; and copyright relate offences. And that list is growing in the context of the recent advances in artificial intelligence, which is exciting on one hand, but quite frightening in the other hand, where it is quite possible now to take your voice, any of our voices in this honourable House, and put it in on a person and in a place, and our faces and likeness on a person and a place where we have never been in our lives, and subject us to legal action without our very knowledge or authority.

Mr. President, there are many of the offences, including credit card and bank account information fraud, where the price of your information for your credit card can go as low as US \$30 and as high US \$850 for the information about your credit card. Internet scams, illegal access, hacking or cracking, in which famous targets included NASA, the National Aeronautics and Space Administration; the US Air Force; the US Pentagon; Internet giants like Google, Yahoo, eBay; including the German Government and United Nations and US Government. Illegal data acquisition, racism, hate speech, glorification of violence by radical groups, incitement of violence in various jurisdictions, illegal gambling and online games,

where billions of dollars—it is estimated that US \$3.1 billion in 2001, which rose to \$24 billion in 2010—and the source of this information, Mr. President, is from document called:

“...challenges and legal response”

—by the Telecommunication Development Sector to the online spectre growing, by Prof. Marco Gercke. It is a new edition of a report previously called, “Understanding Cybercrime: A Guide for Developing Countries”.

Libel and false information, we have had precedent-setting cases in Trinidad and Tobago in the civil arena regarding that. Spam and related threats; other forms of illegal content, one that is particularly disturbing, which is cyberbullying, in which the most common places it occurs, social media platforms, which are extremely popular with young people who are pummelled on daily basis with negative content and attacks on their person and personalities, putting them in the realm of emotional and behavioural disturbances; TikTok, which is very popular, where people are attacked on a daily basis, particularly young people; text messages, unsolicited text messages on online fora, and in some cases gaming, where children spend a lot of time—they are attacked and they are the subject of predatory behaviour.

Also, fraud and computer-related fraud; advanced fee fraud, where we are seeing quite a bit of that in Trinidad and Tobago; computer-related forgery; identify theft; date of birth, address and phone number hacking to be used for illicit purposes.

And also, terrorist use of the Internet around the world, including the spread of propaganda; information gathering; preparation for real-world attacks on critical infrastructure in many jurisdictions; publication of war material; training material; gun-making material; terrorist financing; and voter manipulation and illegal

influencing of election processes by the propagation of misinformation.

So the spectre of cybercrime and its possible impact on not only Trinidad and Tobago and other developing countries is quite real. There are many commentators who suggested World War III has started, unfortunately, and it is a digital war which can bring down entire countries.

Mr. President, we may not reach consensus on every aspect of cybercrime legislation, but for the country to continue in the digital age and in the age of artificial intelligence, where our images and voices can be replicated and placed in illegal situations and the attacks on persons continue, in closing, I ask the question—

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

**Sen. Dr. P. Richards:**—should we not at least try—sorry.

**Mr. President:** [*Inaudible*]

**Sen. Dr. P. Richards:**—should we not at least try to come up with legislation to protect us in the cyberspace arena and pass legislation to protect the population in this AI age? Or is it productive to continue in a space where advances in the digital space is continue a pace, placing the citizenry at risk without this kind of legislation, risks that with we cannot even begin to imagine? Or is that we still believe the old adage, if we cannot pass all the clauses, we might as well pass none? To quote an old calypso, is one from 10 still equal to zero?

**6.10 p.m.**

My petition is, let us at least attempt again to provide this kind of protection to our citizens. Let us revisit cybercrime legislation in the interest of protecting the people of Trinidad and Tobago and our interest. I thank you.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** Attorney General.

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much, Mr. President. And permit me to join with Sen. Dr. Richards in the commiserations and condolences which have been extended to the grieving families in Guyana and to the families in Tobago for the passing of one our national heroes.

Mr. President, I thank Sen. Richards for his bringing of this Motion because it enables us to return to a conversation which is timely. And just to give an overview of what I propose to say—because I may run out of time because there is so much to be said. It is to recognize that we did pass the legislation in 2020, the Computer Misuse Act. It is to recognize that we have attempted, even before 2020 to amend, to improve the legislation. There have been unfortunate lapses, which we regret, in the parliamentary calendar to introduce the amendments. And I would speak to the work that my Ministry has been doing, in particular with international partners and with CARICOM to address what we recognize is a rapidly developing significant area of grievous crime and criminality, which is very prevalent given that it is happening in the digital age, in the age of artificial intelligence which can be so all pervasive. So, I again thank Sen. Dr. Richards.

We recognize the challenges facing us, Mr. President. The United Nations Regional Information Centre for Western Europe notes that:

“There is no international definition of cybercrime or cyberattacks.”

The United Nations Office on Drugs and Crime, UNODC, recognizes that:

“Offences typically cluster around...”—certain—“...categories...”

Offences that are:

“Computer-related...”

And:

“Content-related...”

And:

“Offences related to infringements of copyright...”

—which Sen. Dr. Paul Richards has spoken to.

They further indicate and state and recognize that cybercrime can be broadly: “...described as having cyber-dependent offences, cyber-enabled offences and, as a specific crime-type, online child sexual exploitation and abuse.”

These are realities which we recognize we have to address.

Interpol describes:

“...‘pure cybercrime’...”—as—“crimes against computers and information systems where the aim is to gain unauthorized access to a device or deny access to a legitimate user (typically through the use of malicious software).”

And all of us who live in today’s world, we almost go to bed with our devices, our smartphones; we live on a daily basis with our laptops and our iPads, can recognize, without having to take any instruction or learning, how accessible we all are to the use of malicious software and to our very personal space being interfered with and trespassed upon.

All of the definitions provided by the international organizations, Mr. President, emphasize the need to upgrade our legislation to effectively combat cybercrime. And it is critical because our own governmental services, national security, health care, our education systems, as well as in the private arena, all rely on the use of the ICTs in order for us to adequately function. Important sectors of our society are progressively reliant on the safe functioning of ICTs. And so the need for improved legislation, effectively, to criminalize the misuse of such ICTs, networks and data and the ability to fight cybercrime has become

increasingly important for our Republic.

We must acknowledge, as I have said regrettably, the legislative history of our lapsed cybercrime Bills, but our work is set out for us and we are continuing as a Government to give active considerations to all of the circumstances of criminal activity. In light of this, the Office of the Attorney General and Ministry of Legal Affairs is actively reviewing and considering amendments to the Computer Misuse Act. We have committed to the overall development of our international commitments in particular, so as to be concerned with safeguarding our citizenry in the fight across computer-related crimes. Because so much of the cybercrime reality now does not respect borders, it does not respect sovereignty, it is out there in the airwaves and the ether, and it invades us even as we sleep.

The Government, Mr. President, recognizes, through its legal research and drafting, that there are new ICT terminologies and proposed criminal offences that were not considered in the drafting of the Computer Misuse Act. And my Ministry is working on enhancing, and developing, re-evaluating, and proposing amendments to the Cabinet to bring to this Parliament in the shortest possible time.

The Office of the Attorney General and Ministry of Legal Affairs is also diligently working in that rejuvenation exercise in getting us to accede to international conventions. So that the Budapest Convention on Cybercrime and its second additional protocol is one such. Currently, Trinidad and Tobago is considered an observer state with regard to the Budapest Convention and is committed to actively becoming part of the family of the member states that have acceded to it. As recently as October 25, 2021, the Council of Europe invited Trinidad and Tobago to accede to the Budapest Convention on Cybercrime, and through our Ministry of Foreign and CARICOM Affairs we have accepted this invitation and we now have a five-year period within which to accomplish this

accession.

This accession will propel us, Trinidad and Tobago, in an international synchronization in the fight against cybercrime and will in turn strengthen our ties with the global community through mutual legal assistance. Indeed, we have been participating through the ad hoc committee to elaborate a comprehensive international convention on countering the use of information and communication technologies for criminal purposes, and we have actually accepted the invitation of the Council of Europe in acceding to the Budapest Convention to work with them to introduce amendments, and to work on the amendments which we are in the process of developing.

In fact, two senior legal officers from the Office of the Attorney General and Ministry of Legal Affairs of Trinidad and Tobago have been working with this ad hoc committee over the last several months in specific drafting of an international convention to deal with the fight against cybercrime, and we have been collaborating with our CARICOM member states—14 CARICOM member states in a united voice. We have been participating in the United Nations' sessions that have been taking place, February to the 11<sup>th</sup> of March, 2022, in New York; May 30, 2022 to June in Vienna, Austria, and three others. I would not call all the dates and the names.

**Madam President:** AG, you have two more minutes.

**Sen. The Hon. R. Armour SC:** Thank you, Sir. Thank you, Mr. President. We have been working assiduously on areas: violation of personal information, matters of online child sexual abuse, cyber-stalking of children, sexual exhortation, protection of human rights, illegal interception, mutual legal assistance, international cooperation, and the protection of sovereignty and jurisdiction.

I am honoured that the Republic of Trinidad and Tobago is taking an

international approach to the fight against cybercrime and we are working with our international partners and our CARICOM partners, and with a view to bringing amendments to the Computer Misuse Act which is currently the law of Trinidad and Tobago with a much needed enveloping upgrade that will put Trinidad on the front of the fight against cybercrime to protect its citizenry, and in particular our children. Thank you very much, Mr. President.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** Sen. Mark.

**Hon. Senators:** [*Desk thumping*]

**Companies Registry and Land Registry  
(Difficulty to Access)**

**Sen. Wade Mark:** Thank you, Mr. President. Mr. President, I have brought this matter on the Motion for adjournment to allow the Government to explain to the public what has been described as the very difficult access being posed by the Government as it relates to Companies Registry—that is, the Companies Registry and public access to same, as well as the Land Registry. I have been advised that this access that was almost routine for the public has now become a nightmare and this has been going on for several months, both at the Land Registry and more so the Companies Registry.

Now, Mr. President, information, as you know, is knowledge, and knowledge is power. Some have described information literally as the oxygen of any nation. And when you need information, particularly as a business entity and many other citizens, it is becoming as I said, Mr. President, very challenging to access the registry. When I was prosecuting a debate here on land acquisition, I sought to access the Companies Registry from a particular location where somebody had access where they can buy a file to access the information. And



when they sought to get Realson file, a big sign came up on the screen, “Services unavailable”. So you cannot stay at home or in an office and access the Companies Registry or the Land Registry. Some process, we are told, is on the way. And that transition and transformation, as it relates to accessing information, appears to be a tactic for many people to delay public access to information.

So the Attorney General has a responsibility to indicate to this Parliament why is it taking so long for citizens to get information in order to carry out their functions and their activities. I understand there is something called CROS. CROS. You have to apply, get a receipt—pay your money, eh—get a receipt, and that could take three to five days just to get a receipt, eh. If you want annual returns of a company, you have to wait on this receipt. And when you obtain it, Mr. President, you can then access. And to access this company’s annual returns, it can take a citizen or a company between three to four weeks.

Now, the question here, Mr. President, is that business is being adversely affected by this particular inefficiency that is occurring at this Companies Registry. So business people who have liquidity problems in this country and they want to get a loan, and they are using land as collateral, have to access the Companies Registry, have to access the Land Registry, and it is taking so long.

Mr. President, this country needs to improve its efficiency. You are frustrating business in our country. Why does it take so long? And why if somebody wants to access information, you are getting this sign telling you, “Services unavailable”?

**6.25 p.m.**

Mr. President, I make no accusation at this moment. I am seeking information. Because people have approached me and they have been complaining about this matter, so I took it upon myself to raise a matter on the Motion for the

adjournment to allow the Attorney General to explain to Trinidad and Tobago why it is taking so long to access information via the Companies Registry. And why if you have access from an office and you want to buy a file to get information to conduct a transaction, you cannot access from your office; why.

So these are issues that have come to my attention, and I said, allow me to get the Attorney General of our country to explain, not only to me, but to John Public, and to explain when is this system going to become efficient so if I apply, Mr. President, within one hour I can get access. And if I want an annual return to submit to the bank, to my lawyers, so I can get a loan, it cannot be three weeks, it cannot be two weeks, it cannot be a month. It must be a few hours. And I would like the Attorney General to say when are we transitioning from three to five days—

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

**Sen. W. Mark:**—in one instance to get a receipt, and then to get an annual return you are getting between three and four weeks before you can access it. Why is it taking so long, and what is the Government doing to have this thing speeded up so that people can access documentation, vital for transactions, with their financial institutions speeded up?

And secondly, why can somebody not stay at home and access their files, or a file, once they are paying for it within no time, or within a short time? Why a sign comes up on the screen, Mr. President, “Services are unavailable”? I could not get Realson, because when I sought to access it from a source who has access, on the screen, “Services not available”. This has been going on for months, almost a year. So we call for an explanation, we call on the Government to clarify, and we call on the Government, Mr. President, to indicate when they are going to ensure that speed and efficiency will replace this kind of lethargy that is currently gripping

both the Companies Registry and the Land Registry in our country. I thank you, Mr. President.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** 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 let me immediately commend Sen. Mark for the muted tones in which he put the enquiry, which I will now attempt to address. His question for the adjournment actually spoke of the unavailability, and I took note of the fact that the unavailability of public access—that was his question on the adjournment. And I took note of the muting of that language, because he chose, and I commend him, to articulate it in terms of difficult access.

So just to give an overview, Mr. President, both the computer—companies, not computer, I beg your pardon. Both the Companies Registry and the Land Registry, prior to around September of 2022, were regulated by a degree of computer software that was aged, one might almost say archaic, and the Government had recognized the fact that the computer software that regulates companies, and the computer software that regulates land transactions needed to be rewritten and upgraded. And in fact, the Government had brought on board specialists last year to rewrite the software for both the companies and land registries all of which fall under the remit of the very hard-working staff of the Registrar General's Department of the Office of the Attorney General and Ministry of Legal Affairs. And let me go on record to say, very hard-working staff led by Registrar General, Karen Bridgewater, and the terms “inefficiency” and “lethargy” by definition could not apply to the staff of that department. So we began the end of

2022, Mr. President, recognizing that our software was aged, archaic, and would need to be replaced, and we had commenced from even before the designing and writing of new software. And as fate would have it, towards the end of 2022, the Land Registry system crashed, and towards very late 2022 and early 2023 the Companies Registry system crashed. And what the Government had to do was to fast track and bring on stream software that had been recognized as being needed was already designed, and to bring them on board in both of those arenas, Companies Registry and Land Registry. The crash was unfortunate and it was feared, because that is why the Government had commissioned new software.

So the difficulty in access that the public has been experiencing since late 2022, in both registry systems, has been occasioned by something that was not under the control of the Government. It was a very unfortunate crash in both systems. The fact that we have been able to recover and continue to give access to persons in the Land Registry and in the Companies Registry, albeit, to use Sen. Mark's terms, with difficulty of access, is directly as a result of the fact that the Government was almost ready to have introduced a new system in both registry systems.

In the case of the Companies Registry system, what has had to have been done in the last several months is a fully packaged written piece of software has had to have components of it disabled to allow it to be partially introduced in order for the computers—the software to work in Companies Registry, so that in the meantime persons can have access to online data access.

The reason why they have had to be partially implemented is because there are legislative amendments that have to take place to bring the new software fully on board. And because it was introduced through an unexpected crash, those legislative amendments are taking some time, and I am bringing them to

Parliament, as we speak, within a fortnight of today. We are talking about amendments that have to be made to the Companies Act, the Electronic Transactions Act, the Registrar General Act, the Registration of Business Names Act, Non-Profit Organisations Act, Miscellaneous Amendments Act, Miscellaneous Provisions (FATF Compliance) Act. That entire suite of legislation has to have amendments to allow for the fact that in the designed software that will now run the Companies Registry, it will be all online and it will all be capable of being accessed and operated remotely by the reason of the software. But for that to be able to happen, we have to have the legislative backbone in place, and that is what we are working on.

So I can tell the public, with respect to the work that is being done by the very hard-working staff of the Registrar General's Department, that at the 16<sup>th</sup> of December the public was informed by a public notice, issued by the Registrar General's Department, that the Companies Registry had suffered a malfunction of its servers on the 9<sup>th</sup> of December, 2022, efforts were being made to address. By further notice of the 11<sup>th</sup> of January, the public was advised that the crash of the eight servers had occurred, and manual, semi-manual, semi-online systems were being introduced to enable the public to get access to the computer registration in the meantime. It is known by the acronym "CROS", the full name is Companies Registry Online System. We have gone as far as to meet with stakeholders.

We have met with the Law Association who have been very concerned because a lot of attorneys, as we would expect, operate in the business of land registration and company registration. We have explained the difficulties to them. We have explained to them the fact that we have to work with them. We have invited their input. And we are awaiting, as we speak, input from the Law Association and other stakeholders to give us the help that we need in terms of

explaining to us the user difficulty in the difficult access that Sen. Mark is speaking about, so that as we tweak the amendments that we are working on to bring the system online fully. We will be responding to the user complaints, the user difficulties, so that we will be doing almost a live run as we come to this Parliament to introduce the new systems. The actual CROS, Computer Registration Online System, was launched on the 1<sup>st</sup> of February—

**Mr. President:** AG, you have two more minutes.

**Sen. The Hon. R. Armour SC:** Thank you very much, Mr. President—and it continues to be impeded until we get the registration, all of the legislation in place.

In the case of the Land Registry difficulties, that too has had difficulties. The Registrar General's Department has been very actively involved in their online and interface with the users of the system. They have had help desks out there explaining to users the difficulties that are taking place, and as a result of which—I could give the numbers but I have run out of time. We have had a significant number of persons who have managed to get access under the CROS system, and an equally significant number of persons who have managed to get access under the Land Registry system to continue to use the land registration facilities that are made available through the Registrar General's Department.

I can give the assurance to the listening public and to Sen. Mark, Mr. President, that we recognize the experience has been a difficult one. All of the members of the Registrar General's Department are hands-on involved. I am having regular meetings with them, getting regular updates. We have been in touch with stakeholders. We continue to be in touch with stakeholders. And I would anticipate once the legislation is fully accomplished, hopefully by the time we come into Parliament within the next month or two, the woes and difficulties that are currently being experienced by the public will be a thing of the past. I am

not making a commitment of a month or two, but it is a work in progress that is actively being engaged by the Registrar General's Department, and I commend them for their commitment to duty. Thank you very much, Mr. President.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Hon. Senators, I now invite you to bring greetings on the occasion of Indian Arrival Day to be observed on Tuesday, May 30, 2023. Sen. Sagrarsingh-Sooklal.

**Hon. Senators:** [*Desk thumping*]

### **Indian Arrival Day Greetings**

**The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagrarsingh-Sooklal):** Thank you, Mr. President. Mr. President, as a proud member of the East Indian community, it gives me great pleasure to bring greetings on behalf of the Government of the Republic of Trinidad and Tobago to our beloved citizens.

For several years, the East Indian community celebrated this momentous event. Several years ago, I remember reading the novel, *A House for Mr. Biswas* by V.S. Naipaul, a very celebrated Indo-Trinidadian writer. The story illustrated the post-colonial struggles of East Indian people, the discrimination East Indian indentured labourers faced even after their independence, how the idea of the caste system perpetuated every single institution of the Indo community.

It prevented many at the time from elevating, especially in the sphere of education. This story, Mr. President, stuck at the heart of many, by virtue of the struggles which we as a people had to endure.

**6.40 p.m.**

This year, we celebrate 178 years since our forefathers came to our shores from India as indentured labourers, bringing with them their rich culture, food,

tools, medicine, clothing and religious practices, amongst many other things. However, over those years, it is evident that we have certainly broken many of those barriers. Indentured servants played an important economic role in keeping cocoa and sugar plantation striving after slavery ended.

Today, the Indo-Trinidadians community, Trinbagonian community, still continues to play a pertinent part in the economic, social and political sphere of this country. Such diversity is reflected in the current composition of the Parliament with many of my Senatorial colleagues representing the Hindu community, the Muslim community, or in general, the Indo community. From generation to generation, the commitment of our forefathers resonate with us to this very day. They taught us that the only way to achieve whatever we want is through hard work and determination, as they would have been dedicated to create a better life, an opportunity, not only for their families who accompanied them here to Trinidad and Tobago but also for those that stayed back in India. The dedication of our forefathers significantly impacted on the development of our country, not just from their initial economic contribution as it relates to the plantations, but encouraging us to carry on the baton.

An auspicious day as this is a great reminder that one's dharma can be achieved through selflessness. It is this selflessness, which our forefathers practised, which is the building block to where we are today. The achievements of our country, and more so our Government, the PNM Government, over the years could not have been achieved without the important contributions of our citizens of Indian decent, both current and past, who were either members of the People's National Movement or citizens who put country first in their respective roles.

For instance, Mr. Kamaluddin Mohammed, the deputy political leader of the People's National Movement and one of the founding members of the People's



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National Movement entered the political arena in 1936. He served as a Cabinet Minister for 30 years, playing a significant impact in our country's development over the years. Mr. Franklin Khan, who we all loved so dearly; Mr. Matthew Ramcharan, who served as a diplomat in Jamaica, Venezuela, Canada, and also Speaker of the House of Representatives made significant contributions as a son of the soil. Dr. Wahid Ali presided in the Senate for 15 consecutive years, and also acted as a President of this country. Dr. Lenny Saith who served in the Senate as a Cabinet Member, and also chairman and deputy political leader of this great party, of my great party. Dr. Linda Baboobal, former President of the Senate, the first woman to hold office of President of the Senate in the country's history, which she did between 2002 to 2007.

This commitment, Mr. President, and dedication and representation continues even in this current Government by the hard work of our very own Senators, Sen. Rohan Sinanan, Sen. Kazim Hosein, Sen. Avinash Singh, Sen. Richie Sookhai, Sen. Dr. Yunus Mohammed Ibrahim, Sen. Paula Gopee-Scoon; and more so our Independent Senators, Sen. Dr. Varma Deyalsingh, Sen. Charrise Seepersad, Sen. Teemal, Sen. Deonarine.

Mr. President, having come from a small village with poor, humble upbringings, and I reiterate that—having come from a small village with poor and humble upbringings, but now being able to stand in this Senate and bring Indian Arrival Day greetings, on behalf of the Government of Trinidad and Tobago, is a result of a journey that started long before my own birth and even that of my parents. This for me is evidence of this Government's commitment to creating a society, a society in which every creed and race finds an equal place.

Today, the Indo-Trinbagonian community represents one of two largest communities in this country. This sense of belongingness, this sense of identity

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and this sense of freedom of expression have bolstered our ties in working with our brothers and sisters of this country.

Mr. President, in 2019 the Office of the Prime Minister rightfully indicated:

“Let us forever cherish the interwoven complexity of our multicultural society and be proud that we can hold it out as a great example of harmony.

This is especially important in today’s world where we hear almost daily of the turbulence cause by the divisiveness and intolerance.”

I echo, Mr. President, these sentiments today.

Therefore, on behalf of the Government of Trinidad and Tobago, my family and myself as Minister in the Office of the Attorney General and Ministry of Legal Affair, I extend sincere greetings to the members of the East Indian community, and I wish everyone a happy and safe Indian Arrival. I thank you.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Sen. Mark.

**Hon. Senators:** [*Desk thumping*]

**Sen. Wade Mark:** Mr. President, as a proud member of this 34-year-old United National Congress—

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:**—which represents a sea of diversity in this rich ocean of humanity, I take this opportunity, on behalf of the incoming United National Congress government—

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:**—to extend warmest greetings on behalf of the Leader of the Opposition, my honourable colleagues on the Opposition Benches—

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:**—my Independent colleagues, and even if they do not recognize us

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we recognize them, my friends on the Government Benches.

**Hon. Senators:** [*Desk thumping*]

**Sen. W. Mark:** I take the opportunity, on behalf of all, to extend, Mr. President, warmest greetings on the occasion of the 178<sup>th</sup> anniversary of the arrival of the first East Indians to our nation.

Mr. President, it was on the 10<sup>th</sup> of May, 1845, 217 of our East Indian brothers and sisters arrived on the *Fatel Razack*. And, Mr. President, over a period—a whole period of immigration, between 1845 to 1917, a total of close to 150,000 persons from India came to our island, came to our shores.

And, Mr. President, the persistence, that spirit of persistence on the path of these brothers and sisters which they brought with them, tradition, rich traditions of religion, values, norms, culture, manifested in food and music. Crossing the Kalapani, Mr. President, as you know, was a very huge challenge for our sisters and brothers who arrived on these shores and they all contributed, during that period to the present, to our growth and development as a community, as a country, as a nation, playing their part, making their contributions towards our civilization called T&T, Trinidad and Tobago.

It is therefore with great pride, love, honour—it is a privilege for me, on behalf of this powerful organization that I represent today, the United National Congress, to bring to you, hon. President, to your family and all my colleagues in this Senate, and to the people of our beautiful country, particularly our East Indian brothers and sisters, be it Hindus, be it Muslims, be it Presbyterians, be it Catholics, whatever religion they are, we want to extend our love, our appreciation, our honour and pride in their rich contribution to the development of our united nation of Trinidad and Tobago.

So, Mr. President, to you and your family, happy Indian Arrival Day and to

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the people of Trinidad and Tobago, happy Indian Arrival Day. Long live the people of Trinidad and Tobago, long live the people of Indian decent in our country. Forward ever, backward never. Thank you very much.

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Sen. Teemal.

**Hon. Senators:** [*Desk thumping*]

**Sen. Mark:** [*Inaudible*]

**Hon. Senators:** [*Laughter*]

**Hon. Senator:** [*Crosstalk*]

**Sen. Mark:** [*Inaudible*]

**Mr. President:** Sen. Mark—

**Sen. Mark:** [*Inaudible*]—sorry, Sir, could not help it.

**Sen. Deorooop Teemal:** Mr. President, it is indeed an honour and a privilege for me to bring greetings on the occasion of Indian Arrival Day that would be celebrated on May 30<sup>th</sup> of this year, on behalf of the Independent Senators in this Chamber.

Mr. President, that day is marking 178 years since our girmityas forefathers—and I used the term girmityas because girmity means the agreement that was signed—those who signed the agreement. So we refer to our forefathers as the girmityas; 178 years since their arrival over a period from 1845 to—sorry, I missed the date when it was abolished, but approximately around 145,000 of indentured forefathers came to Trinidad and Tobago. Yes, I remember now, it was formerly abolished by the UK Parliament in 1917 but came to an effective end in 1920.

Now also, Indian Arrival Day was granted as a public holiday in 1994, so it makes it about 29 years since we have Indian Arrival Day as a public holiday here

in Trinidad and Tobago.

**6.55 p.m.**

And, Mr. President, in terms of harnessing the potential of this public holiday for the benefit of our nation, I think there is still a lot of potential within this holiday with regard to building; understanding, amongst the diverse population, about our respective histories; and trials and tribulations; and also, leading to beyond tolerance, but leading to respect and trust among the peoples of our nation.

It also has a potential to address issues of identity, Mr. President. Particularly now, we are fifth and sixth generation descendants of the girmityas forefathers and there are still challenges, there are still issues, complexities, surrounding the whole issue of identity, and to place it within the broader objectives of patriotism and nation building, and how we can actively engage, continue to be actively engaged in the meaningful development of our nation.

Mr. President, over the years, there has been a lot of focus on the history, the conditions of arrival, the trials and tribulations, the many success stories of our forefathers—East Indian forefathers. But there is one dimension that I would just like to reflect on in these short greetings that I am giving here today—and I think we have also explored to a large extent the whole issue of gender, with regard to the East Indian experience in this country. But there is one dimension that I think needs to be reflected on, and that is the question of youth, the whole dimension of youth.

Now, my initial research, and it is not an in-depth research, but it shows that almost between 90 per cent to 95 per cent of those who came to the shores of Trinidad and Tobago were below the age of 35 years, which is the United Nations' limit or definition for those who fall within the range of youth. So really and truly,

indentureship is a story about youth. And I think as a country we can—if we explore this dimension there are many powerful messages, on reflection and on research, for the young people of our nation, in terms of young people taken from a familiar environment; transported over the seas into a hostile, into a challenging environment; destruction of the extended family relationship, because it was no longer there; and having a lack of elders in the community because of a predominantly young community.

So with those conditions, how is it that these youths who came were able to build the resilience? How it is that the youths were able to triumph over adverse conditions? What were the values shaping the development of these young people in a new land? And I think that within that, we can find very powerful messages to inspire the youth of our nation, and to also assist and to integrate the successes and the value system that worked to establish those forefathers and their descendants who came to this land for the triumph, despite all of the conditions that had to be faced. And within there, I think there are powerful lessons to be learnt.

So, Mr. President, on behalf of the Independent Senators in this Chamber, I would like to offer greetings on the occasion of Indian Arrival Day, 2023, to all the Members of this Parliament, their families; the staff of the Parliament; you, Mr. President; and to the nation of Trinidad and Tobago, and all of our cherished citizens., happy Indian Arrival Day, 2023. I thank you

**Hon. Senators:** [*Desk thumping*]

**Mr. President:** Hon Senators, it is my privilege to join with you in bringing greetings on the occasion of Indian Arrival Day to our East Indian community, and by extension, the citizens of Trinidad and Tobago. On May 30, 1845, the ship, *Fatel Razack*, brought the first group of Indian indentured labourers to Trinidad. Between 1845 and 1917, over 140,000 Indians migrated to Trinidad for a labour

Indian Arrival Day Greetings  
Mr. President

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system that was experimental in nature and placed them in trying conditions. Despite the trials faced during the indentureship period, many chose to settle in Trinidad when their contract ended, facilitating not only the economic development of the country, but also solidifying their contribution to the creation of a truly multi-ethnic society.

We recognize the importance of our East Indian brothers and sisters as their contributions are notably present in all aspects of our lives, such as our food, as well as the music we enjoy and the festivals we celebrate. As we commemorate Indian Arrival Day this year, let us acknowledge the journey of our East Indian ancestors as we benefit and enjoy the fruits of their labour. On behalf of the Parliament of Trinidad and Tobago, and myself, I wish a happy Indian Arrival Day to the East Indian community and to the people of Trinidad and Tobago.

**Hon. Senators:** [*Desk thumping*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.02 p.m.*